



भारत का वार्ताला

The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 21]

नई दिल्ली, मई 20—मई 26, 2012, शनिवार/वैशाख 30—ज्येष्ठ 5, 1934

No. 21]

NEW DELHI, MAY 20—MAY 26, 2012, SATURDAY/VAISAKHA 30—JYAIKHA 5, 1934

भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृष्ठक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए साधिकार आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्यिक, लोक शिकायत तथा पेशन मंत्रालय

(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, 10 मई, 2012

का.आ. 1732.—केंद्रीय सरकार एवंद्वारा दंड प्रक्रिया सुहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिल्ली उच्च न्यायालय, नई दिल्ली में अभियोजनों, अपीलों, पुनरीक्षणों अथवा दिल्ली विशेष पुलिस स्थापना (सीबीआई) द्वारा अन्वेषित किए जा रहे मामलों से उत्पन्न अन्य मामलों का संचालन करने के लिए निम्नोक्त वकीलों को दिल्ली विशेष पुलिस स्थापना (केंद्रीय अन्वेषण ब्यूरो) के विशेष लोक अभियोजक के रूप में नियुक्त करती है :—

सर्व श्री

1. आर. वी. सिन्हा
2. सुश्री राजदीपा बेहुरा
3. मनोज ओहरी
4. जितेन्द्र विजय तोमर

[फा. सं. 225/09/2012-ए.वी.डी.-II]

राजीव जैन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 10th May, 2012

S.O. 1732.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutor of the Delhi Special Police Establishment (Central Bureau of Investigation) in the Delhi High Court at New Delhi for conducting the prosecution appeals, revisions or other matter arising out of the cases investigated by the Delhi Special Police Establishment (CBI).

S/Shri

1. R.V. Sinha
2. Ms. Rajdipa Behura
3. Manoj Ohri
4. Jitendra Vijay Tomer

[F. No. 225/09/2012-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 10 मई, 2012

का. आ. 1733.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कलकत्ता उच्च न्यायालय, कोलकाता में अभियोजन अपीलों, पुनरीक्षणों या दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उत्पन्न अन्य मामलों का संचालन करने के लिए श्री अशरफ अली, बकील को विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/55/2011-ए.वी.डी.-II]

राजीव जैन, अवर सचिव

New Delhi, the 10th May, 2012

S.O. 1733.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Md. Ashraf Ali, Advocate as Special Public Prosecutor of the Delhi Special Police Establishment (Central Bureau of Investigation) in the Calcutta High Court at Kolkata for conducting the prosecution appeals, revisions or other matters arising out of the cases investigated by the Delhi Special Police Establishment (CBI).

[F. No. 225/55/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 10 मई, 2012

का.आ. 1734.—केंद्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) जनरल क्लाइज़ एक्ट, 1897 (1897 का अधिनियम सं. 10) की धारा 16 के साथ पठित धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कलकत्ता उच्च न्यायालय, कोलकाता और सिक्किम उच्च न्यायालय, गंगटोक और कलकत्ता उच्च न्यायालय, पोर्टब्लेयर की सर्किट शाखा में इस विभाग की अधिसूचना सं. 225/11/2010-ए.वी.डी.-II दिनांक 4-5-2010 द्वारा जारी श्रीमती बिमला सिंह, बकील को केंद्रीय अन्वेषण ब्यूरो में विशेष लोक अभियोजक के रूप में की गई नियुक्ति को एतद्वारा रद्द करती है।

[फा. सं. 225/55/2011-ए.वी.डी.-II]

राजीव जैन, अवर सचिव

New Delhi, the 10th May, 2012

S.O. 1734.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), read with Section 16 of the General Clauses Act, 1897 (Act No. 10 of 1897), the

Central Government hereby cancels the appointment of Smt. Bimla Singh, Advocate as Special Public Prosecutor of the Central Bureau of Investigation in the Calcutta High Court at Kolkata and in Sikkim High Court at Gangtok and Circuit Bench of Calcutta High Court at Port Blair issued *vide* this Department Notification No. 225/11/2010-AVD-II dated 4-5-2010.

[F. No. 225/55/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 10 मई, 2012

का.आ. 1735.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केरल राज्य सरकार, गृह (एम) विभाग, तिरुअन्नतपुरम की दिनांक 21-11-2011 की अधिसूचना जी ओ (एमएस) सं. 259/2011/गृह द्वारा प्राप्त सहमति से भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 307 के अंतर्गत पुलिस स्टेशन कोट्टरकारा, जिला कोलाम, केरल में श्री कृष्णकुमार, अध्यापक, रामा विलसम वोकेशनल हायर सेकेंडरी स्कूल, वालाकम, कोट्टरकारा पर कथित हमले के संबंध में अपराध सं. 1990/2011 तथा उपर्युक्त उल्लिखित अपराध के संबंध में या उससे सम्बद्ध प्रयास, दुष्क्रेणा तथा घडयंत्र तथा अन्य अपराध या उसी संब्यवहार में किया गया अपराध या उन्हीं तथ्यों से उद्भूत अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्पूर्ण केरल राज्य के संबंध में करती है।

[फा. सं. 228/78/2011-ए.वी.डी.-II]

राजीव जैन, अवर सचिव

New Delhi, the 10th May, 2012

S.O. 1735.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Kerala Home (M) Department, Thiruvananthapuram, *vide* Notification G.O. (Ms.) No. 259/2011/Home, dated 21-11-2011, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Kerala for investigation of Crime No. 1990/2011 under Section 307 of Indian Penal Code, 1860 (Act No. 45 of 1860) registered at Police Station Kottarakkara, Kollam District, Kerala relating to the alleged attack on Sri Krishnakumar, Teacher, Rama Vilasom Vocational Higher Secondary School, Valakam, Kottarakkara and attempt, abetment and conspiracy in relation to or in connection with the above mentioned offence and any other offence or offence committed in

course of the same transaction or arising out of the same facts.

[F. No. 228/78/2011-AVD-II]

RAJIV JAIN, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 1 मई, 2012

का.आ. 1736.—राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 का 53) की धारा 6 की उप-धारा (1) के खंड (ङ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, शहरी आवास और गरीबी उन्मूलन मंत्रालय के संयुक्त सचिव श्री सुशील कुमार को तत्काल प्रभाव से और अगले आदेशों तक श्री अरुण कुमार मिश्रा, सचिव, शहरी आवास और गरीबी उन्मूलन मंत्रालय के स्थान पर राष्ट्रीय आवास बैंक के निदेशक मण्डल में निदेशक के रूप में नामित करती है।

[फा. सं. 24/17/2010-आईएफ-II]

रमण कुमार गौड़, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 1st May, 2012

S.O. 1736.—In exercise of the powers, conferred by clause (e) of sub-section (1) of Section 6 of the National Housing Bank Act, 1987 (53 of 1987), the Central Government hereby appoints Shri Susheel Kumar, Joint Secretary, Ministry of Housing Urban & Poverty Alleviation as Director on the Board of Directors of the National Housing Bank in place of Shri Arun Kumar Misra, Secretary, Ministry of Housing Urban & Poverty Alleviation with immediate effect until further orders.

[F. No. 24/17/2010-IF-II]

RAMAN KUMAR GAUR, Under Secy.

नई दिल्ली, 8 मई, 2012

का.आ. 1737.—भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग की 20 सितम्बर, 2011 की भारत के राजपत्र के भाग II खण्ड 3(ii) में प्रकाशित अधिसूचना संख्या 1/1/2010-बीओ-I को आंशिक रूप से आशोधित किया गया है और इसे निम्नानुसार पढ़ा जाएः—

भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री दीपांकर गुप्ता को 20

सितम्बर, 2011 से चार वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नामित करती है।

[फा. सं. 1/1/2010-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 8th May, 2012

S.O. 1737.—Government of India, Ministry of Finance, Department of Financial Services, Notification No.1/1/2010-BO-I dated the 20th September, 2011, published in Part II, Section 3(ii) of the Gazette of India, has been partially modified and may be read as under :—

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates Shri Dipankar Gupta, to be Director of the Central Board of Directors of Reserve Bank of India for a period of four years with effect from 20th September, 2011.

[F. No. 1/1/2010-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 8 मई, 2012

का.आ. 1738.—भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग की 17 अक्टूबर, 2011 की भारत के राजपत्र के भाग II खण्ड 3(ii) में प्रकाशित अधिसूचना संख्या 1/1/2010-बीओ-I को आंशिक रूप से आशोधित किया गया है और इसे निम्नानुसार पढ़ा जाएः—

भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एम. वी. राजीव गौड़ को 17 अक्टूबर, 2011 से चार वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के दक्षिणी क्षेत्र स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[फा. सं. 1/1/2010-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 8th May, 2012

S.O. 1738.—Government of India, Ministry of Finance, Department of Financial Services, Notification No.1/1/2010-BO-I dated the 17th October, 2011, published in Part II, Section 3(ii) of the Gazette of India, has been partially modified and may be read as under :—

In exercise of the powers conferred by sub-section (1) of Section 9 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates Shri M. V. Rajeev Gowda, to be the Member of the Southern Area

Local Board of Reserve Bank of India for a period of four years with effect from 17th October, 2011.

[F. No. 1/1/2010-BO-I]

VIJAY MALHOTRA, Under Secy,

नई दिल्ली, 8 मई, 2012

का. आ. 1739.—भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग की 23 सितम्बर, 2011 की भारत के राजपत्र के भाग II खण्ड 3(ii) में प्रकाशित अधिसूचना संख्या 1/1/2010-बीओ-I को आंशिक रूप से आशोधित किया गया है और इसे निम्नानुसार पढ़ा जाए :-

भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री किरण कार्णिक को 23 सितम्बर, 2011 से चार वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के पश्चिमी क्षेत्र स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[फा. सं. 1/1/2010-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 8th May, 2012

S.O. 1739.—Government of India, Ministry of Finance, Department of Financial Services, Notification No.1/1/2010-BO-I dated the 23rd September, 2011, published in Part II Section 3(ii) of the Gazette of India, has been partially modified and may be read as under :-

In exercise of the powers conferred by Sub-section (1) of Section 9 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates Shri Kiran Karnik, to be the Member of the Western Area Local Board of Reserve Bank of India for a period of four years with effect from 23rd September, 2011.

[F. No. 1/1/2010-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 8 मई, 2012

का. आ. 1740.—भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग की 22 सितम्बर, 2011 की भारत के राजपत्र के भाग II खण्ड 3(ii) में प्रकाशित अधिसूचना संख्या 1/1/2010-बीओ-I को आंशिक रूप से आशोधित किया गया है और इसे निम्नानुसार पढ़ा जाए :-

भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री नजीब जंग को 22 सितम्बर, 2011 से चार वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नामित करती है।

[फा. सं. 1/1/2010-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 8th May, 2012

S.O. 1740.—Government of India, Ministry of Finance, Department of Financial Services, Notification No.1/1/2010-BO-I dated the 22nd September, 2011, published in Part II Section 3(ii) of the Gazette of India, has been partially modified and may be read as under :-

In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates Shri Najeeb Jung, to be Director of the Central Board of Directors of Reserve Bank of India for a period of four years with effect from 22nd September, 2011.

[F. No. 1/1/2010-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 8 मई, 2012

का. आ. 1741.—भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग की 23 सितम्बर, 2011 की भारत के राजपत्र के भाग II खण्ड 3(ii) में प्रकाशित अधिसूचना संख्या 1/1/2010-बीओ-I को आंशिक रूप से आशोधित किया गया है और इसे निम्नानुसार पढ़ा जाए :-

भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री अनिल काकोदकर को 23 सितम्बर, 2011 से चार वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के उत्तरी क्षेत्र स्थानीय बोर्ड में सदस्य के रूप में नामित करती है।

[फा. सं. 1/1/2010-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 8th May, 2012

S.O. 1741.—Government of India, Ministry of Finance, Department of Financial Services, Notification No.1/1/2010-BO-I dated the 23rd September, 2011, published in Part II Section 3(ii) of the Gazette of India, has been partially modified and may be read as under :-

In exercise of the powers conferred by Sub-section (1) of Section 9 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates Shri Anil

Kakodkar, to be the Member of the Northern Area Local Board of Reserve Bank of India for a period of four years with effect from 23rd September, 2011.

[F. No. 1/1/2010-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 8 मई, 2012

का. आ. 1742.—भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग की 7 अक्टूबर, 2011 की भारत के राजपत्र के भाग II खण्ड 3(ii) में प्रकाशित अधिसूचना संख्या 1/1/2010-बीओ-I को आशिक रूप से आशोधित किया गया है और इसे निम्नानुसार पढ़ा जाए :-

भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री यजंदी हिरजी मालेगम को 7 अक्टूबर, 2011 से चार वर्ष की अवधि के लिए भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नामित करती है।

[फा. सं. 1/1/2010-बीओ-I]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 8th May, 2012

S.O. 1742.—Government of India, Ministry of Finance, Department of Financial Services, Notification No.1/1/2010-BO-I dated the 7th October, 2011, published in Part II Section 3(ii) of the Gazette of India, has been partially modified and may be read as under :-

In exercise of the powers conferred by clause (c) of Sub-section (1) of Section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates Shri Yezdi Hirji, Malegam, to be the director of the Central Board of Directors of Reserve Bank of India for a period of four years with effect from 7th October, 2011.

[F. No. 1/1/2010-BO-I]

VIJAY MALHOTRA, Under Secy.

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 19 अप्रैल, 2012

का. आ. 1743.—भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय चिकित्सा परिषद् से परामर्श करके एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है नामतः

उक्त अनुसूची में -

(क) "मान्यता प्राप्त चिकित्सा अर्हता" शीर्षक [इसके बाद कालम (2) के रूप में निर्दिष्ट] के अन्तर्गत "राजीव गांधी स्वास्थ्य विज्ञान, विश्वविद्यालय बैंगलौर" के सामने "पंजीकरण" के लिए संक्षिप्त रूप [इसके बाद कालम (3) के रूप में निर्दिष्ट] शीर्षक के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित को अंतर्विष्ट किया जाएगा, नामतः :-

"मास्टर ऑफ सर्जरी
(आर्थोपेडिक्स)"

एम एस (आर्थोपेडिक्स)

(यह मई, 2011 में अथवा उसके बाद एम वी जे मेडिकल कॉलेज, बैंगलौर में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में राजीव गांधी स्वास्थ्य विज्ञान, विश्वविद्यालय बैंगलौर द्वारा स्वीकृत किए जाने पर मान्यताप्राप्त चिकित्सा अर्हता होगी)।

(ख) "मान्यताप्राप्त चिकित्सा" अर्हता शीर्षक [इसके बाद कॉलम (2) के रूप में निर्दिष्ट] के अंतर्गत विनायक मिशन विश्वविद्यालय सेलम, तमिलनाडु के सामने पंजीकरण के लिए संक्षिप्त रूप [इसके बाद कॉलम (3) के रूप में निर्दिष्ट] शीर्षक के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित को अंतर्विष्ट किया जाएगा, नामतः

"मास्टर ऑफ सर्जरी
(आर्थोपेडिक्स)"

एम एस (आर्थोपेडिक्स)

(यह नवम्बर, 2011 में अथवा उसके बाद आरूपडै वीडु मेडिकल कॉलेज एंड होस्पिटल, पांडिचेरी में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में विनायक मिशन, विश्वविद्यालय सेलम, तमिलनाडु द्वारा स्वीकृत किए जाने पर मान्यताप्राप्त चिकित्सा अर्हता होगी)।

(ग) मान्यताप्राप्त चिकित्सा अर्हता शीर्षक [इसके बाद कॉलम (2) के रूप में निर्दिष्ट] के अंतर्गत डॉ. आरएमएल अवधि विश्वविद्यालय, फैजाबाद (उत्तर प्रदेश) के सामने पंजीकरण के लिए संक्षिप्त रूप [इसके बाद कॉलम (3) के रूप में निर्दिष्ट] शीर्षक के अंतर्गत अंतिम प्रविष्टि एवं उससे संबंधित प्रविष्टि के बाद निम्नलिखित को अंतर्विष्ट किया जाएगा, नामतः

डिप्लोमा इन आर्थोपेडिक्स

डी आर्थो
(यह सितम्बर, 2011 में
अथवा उसके बाद इराज
लखनऊ मेडिकल कॉलेज
एवं अस्पताल, लखनऊ (उत्तर
प्रदेश) में प्रशिक्षित किए जा
रहे विद्यार्थियों के संबंध
में डॉ. आरएमएल अवध,
विश्वविद्यालय फैजाबाद, उत्तर
प्रदेश द्वारा/स्वीकृत किए जाने
पर मान्यताप्राप्त चिकित्सा
आहता होगी)।

- सभी के लिए टिप्पणी :**
1. स्नातकोत्तर पाठ्यक्रम को प्रदान की
गई ऐसी मान्यता की अधिकतम
अवधि 5 वर्षों के लिए होगी जिसके
उपर्युक्त इसका नवीकरण करना होगा।
 2. उप-खंड 4 की आवश्यकता के
अनुसार मान्यता को समय पर
नवीकरण करने में विफल होने के
परिणामस्वरूप संबंधित स्नातकोत्तर
पाठ्यक्रम में प्रवेश अनिवार्य रूप से
बंद हो जाएंगे।

[सं. यू. 12012/19/2012-एमई (पी-II)]

अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 19th April, 2012

S.O. 1743.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:-

In the said schedule-

(a) against "Rajiv Gandhi University of Health Sciences, Bangalore" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

"Master of Surgery	MS (Orthopaedics) (Orthopaedics)"
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(This shall be a
recognised medical
qualification when
granted by Rajiv Gandhi

University of Health
Sciences, Bangalore in
respect of students being
trained at M.V.J. Medical
College, Bangalore,
Karnataka on or after
May, 2011.

(b) against "Vinayaka Mission's University, Salem, Tamil Nadu" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

"Master of Surgery (Orthopaedics)"	MS (Orthopaedics)
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(This shall be a
recognised medical
qualification when
granted by Vinayaka
Mission's University,
Salem, Tamil Nadu in
respect of students being
trained at Aarupadai
Veedu Medical College,
& Hospital, Puducherry
on or after November,
2011.

(c) against "Dr. RML Avadh University, Faizabad, Uttar Pradesh" under the heading 'Recognised Medical Qualification' [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

"Diploma in Orthopaedics"	D. Ortho. (This shall be a recognised medical qualification when granted by Dr. RML Avadh University, Faizabad, Uttar Pradesh in respect of students being trained at Era's Lucknow Medical College, & Hospital, Lucknow, Uttar Pradesh on or after September, 2011.
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Note to all: 1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.

2. Failure to seek timely renewal of recognition as required in sub-clause-4 shall invariably

result in stoppage of admissions to the concerned Postgraduate Course.

[No. U. 12012/19/2012-ME(P-II)]

ANITA TRIPATHI, Under Secy.

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 16 मई, 2012

का. आ. 1744.—केन्द्रीय सरकार, नियांत (व्यालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) के साथ पठित नियांत (व्यालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मिनरल्स लेब सर्विसेज प्रा. लि., 4 तल, कर्मा पाइस एवेन्यू, एफ. एल. गोम्स रोड, वास्को-दा गामा, गोवा-403 802 को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की कालावधि के लिए भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना संख्यांक का.आ. 3975 तारीख 20 दिसम्बर, 1965 के साथ उपायद अनुसूची में विनिर्दिष्ट खनिज और अयस्क समूह -I अर्थात् लौह अयस्क का नियमित शर्तों के अधीन रहते हुए, उक्त खनिजों और अयस्कों के नियांत से पूर्व गोवा में निरीक्षण करने के लिए अधिकारण के रूप में मान्यता प्रदान करती है, अर्थात् :

(i) मैसर्स मिनरल्स लेब सर्विसेज प्रा. लि. 4, तल, कर्मा पाइस एवेन्यू, एफ. एल. गोम्स रोड, वास्को-दा गामा, गोवा-403 802 खनिजों और अयस्कों, समूह-I का नियांत (निरीक्षण) नियम, 1963 के नियम 4 के अधीन उनके द्वारा अनुसरण की गई निरीक्षण की पद्धति की परीक्षा करने के लिए, इस नियम नियांत निरीक्षण परिषद् द्वारा नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगा; और

(ii) मैसर्स मिनरल्स लेब सर्विसेज प्रा. लि. 4 तल, कर्मा पाइस एवेन्यू, एफ. एल. गोम्स रोड, वास्को-दा गामा, गोवा-403 802 इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे नियमों द्वारा आबद्ध होगा, जो निदेशक (निरीक्षण और व्यालिटी नियंत्रण) नियांत निरीक्षण परिषद् द्वारा समय-समय पर लिखित में दिए जाएं।

[फा. सं. 4/4/2012-नियांत निरीक्षण]

डी. एस. डेसी, संयुक्त सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 16th May, 2012

S.O. 1744.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule(2) of rule 12 of the Export (Quality Control and Inspection) Rules,1964, the Central Government hereby recognises M/s. Minerals Lab Services Pvt. Ltd. 4th Floor, Karma Paes Avenue, F. L. Gomes Road, Vasco-da gama. Goa-403 802, as an agency for a period of three years from the date of publication of this notification, for the inspection

of Minerals and Ores Group-I, namely, Iron Ore specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce number S.O. 3975, dated the 20th December, 1965, prior to export of the said Minerals and Ores, at Goa, subject to the following conditions, namely:-

- (i) that M/s. Minerals Lab Services Pvt. Ltd. 4th Floor, Karma Paes Avenue, F.L. Gomes Road, Vasco-da gama, Goa-403802, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in carrying out the inspection under rule 4 of the Export of Minerals and Ores, Group-I (Inspection) Rules, 1965; and
- (ii) that M/s. Minerals Lab Services Pvt. Ltd. 4th Floor, Karma Paes Avenue, F.L. Gomes Road, Vasco-da gama, Goa-403 802, in the performance of their function under this notification shall be bound by such directions as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 4/4/2012-Export Inspection]

D. S. DHESI, Jt. Secy.

कृषि मंत्रालय

(कृषि अनुसंधान एवं शिक्षा विभाग)

नई दिल्ली, 9 मई, 2012

का. आ. 1745.—केन्द्रीय सरकार, कृषि मंत्रालय कृषि अनुसंधान एवं शिक्षा विभाग, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली 1976 के नियम 10 के उप-नियम (4) के अनुसरण में केन्द्रीय रोपण फसल अनुसंधान संस्थान, कासरगोड, केरल के क्षेत्रीय अनुसंधान केन्द्र, कायम्कुलम, केरल को जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

[फा. सं. 13-10/2009-हिंदी/27-52]

विजय सिंह, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agricultural Research and Education)

New Delhi, the 9th May, 2012

S.O. 1745.—In pursuance of sub-Rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules 1976, the Central Government, Ministry of Agriculture, Department of Agricultural Research and Education hereby notifies the Regional Research Centre, Kayamkulam, Kerala of C.P. C.R.I., Kasaragod, Keraka where more than 80% of staff have acquired the working knowledge of Hindi.

[No. 13-10/2009-Hindi/27-52]

VIJAY SINGH, Under Secy.

उपभोक्ता ममाले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता ममाले विभाग)

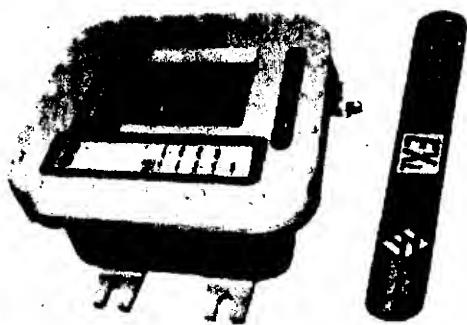
नई दिल्ली, 16 मार्च, 2012

का.आ. 1746.—केन्द्रीय सरकार का, विहित प्राधिकारी, एन एम आई, नीदरलैंड द्वारा जारी माडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स टॉपटैक सिस्टम्स आईएनसी, 289 हंट पार्क कोव, लॉग्युड, फ्लोरिडा 32750, यूएसए द्वारा विनियमित यथार्थता वर्ग 0.5 वाले "मल्टीलोड II-आरसीय II-डीआईवी 2, मल्टीलोड II-ईएक्सएल एमएल 2, मल्टीलोड II-एसएमपी" शृंखला के इलेक्ट्रोनिक कैलकुलेटर कम लोडिंग बैच कंट्रोलर के मॉडल का, जिसके ब्रांड का नाम "मल्टीलोड II" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स आईडीईएक्स फ्ल्युड एंड मीटरिंग प्राइवेट लि., 231-1 एंड 2, पोर इंडस्ट्रीयल एस्टेट, पोर-रामांगन्डी, जिला-बडोदरा-391243 द्वारा भारत में बिक्री से पूर्व अथवा बाद में बिना किसी परिवर्तन के बिक्रीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/11/139 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल पार्सी के अलावा अन्य द्रव्यों की मात्रा के निरंतर और गतिशील माप के लिए मापन प्रणाली का घटक है।

आकृति-1



आकृति-2 : मॉडल के इंडीकेटर को सीलिंग करने का प्रावधान।

इन स्विचों में दो अलग-अलग बाह्य मैग्नेटिक बोल्ट लगे हुए हैं जिनमें से एक प्रोग्राम मोड का पता लगाने के लिए और दूसरा डब्ल्यू एवं एम का पता लगाया जा सकता है। प्रत्येक बोल्ट में एक छोटा छिद्र है जिसे अनाधिकृत छेड़खानी से बचने के लिए एक तार और सीसे की सील द्वारा सील किया जा सकता है। दोनों बोल्टों के ऊपर एक बाहरी ढकने वाला कवर है जिसे लोक किया जा सकता है ताकि कोई किसी भी बोल्ट को हटा न सके। प्रत्येक बोल्ट के कार्य को दर्शाने के लिए कवर पर भी 'डब्ल्यू एवं एम' अथवा 'प्रोग्राम' लिखा जाएगा।

[फा. सं. डब्ल्यू एम-21 (334)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 16th March, 2012

S.O. 1746.—Whereas the Central Government, after considering the report submitted to it along with the Model Approval Certificate issued by the NMI, Netherlands is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976(60 of 1976) and the Standards of Weights and Measures(Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issued and publishes the certificate of approval of the model of electronic calculator-cum-loading batch controller of series "Multiload II-RCU II-DIV 2, Multiload II-EXL ML2, Multiload II-SMP" with Brand Name "Multiload II" and Accuracy Class 0.5 (hereinafter referred to as the said model), manufactured by M/s. Toptech Systems Inc., 289 Hunt Park Cove, Longwood, Florida 32750, USA and sold in India without any alteration before or after sale by M/s. IDEX Fluid & Metering Private Ltd, 231-1&2, Por Industrial Estate, Por-Ramangandi, Dist. Vadodara-391243 and which is assigned the approval mark IND/09/11/139;

The said model is a component for measuring systems for the continuous and dynamic measurement of quantities of liquids other than water.

Figure-1

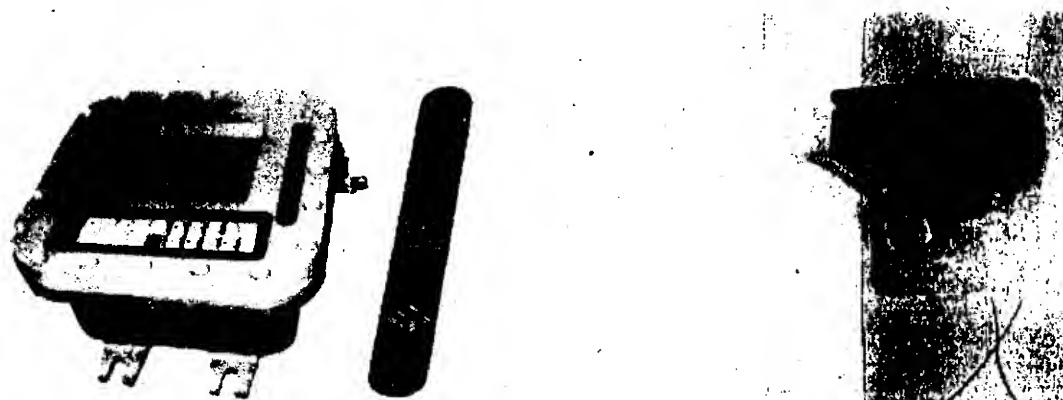


Figure-2 : Schematic Diagram of sealing provision of the model

The switches consist of two separate external magnetic bolts, one for program mode access, and one for W & M change access. Program or W & M access is achieved for removing the corresponding bolt. Each bolt has a small hole that can be sealed with a wire and lead seal to detect unauthorized access. Both bolts are also have an external fold down cover that can be locked to prevent moving someone from removing either bolt. The cover will also be stamped as "W & M" or "Program" to indicate the function of each bolt.

[F. No. WM-21 (334)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2012

का.आ. 1747.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स संधु स्केल क., गुरुनानक नगर, भवानीगढ़ रोड, समाना (पंजाब)-147101 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एसएसटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ब्रांड का नाम "सुपरस्टार" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/585 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाढ़ी में से सीलिंग बायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग बायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदन मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मैक; यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 , 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (198)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2012

S.O. 1747.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "SST" and with brand name "SUPERSTAR" (hereinafter referred to as the said model), manufactured by M/s. Sandhu Scale Co, Guru Nanak Nagar, Bhawani Garh Road, Samana (Punjab)-147101 which is assigned the approval mark IND/09/10/585;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1 Model

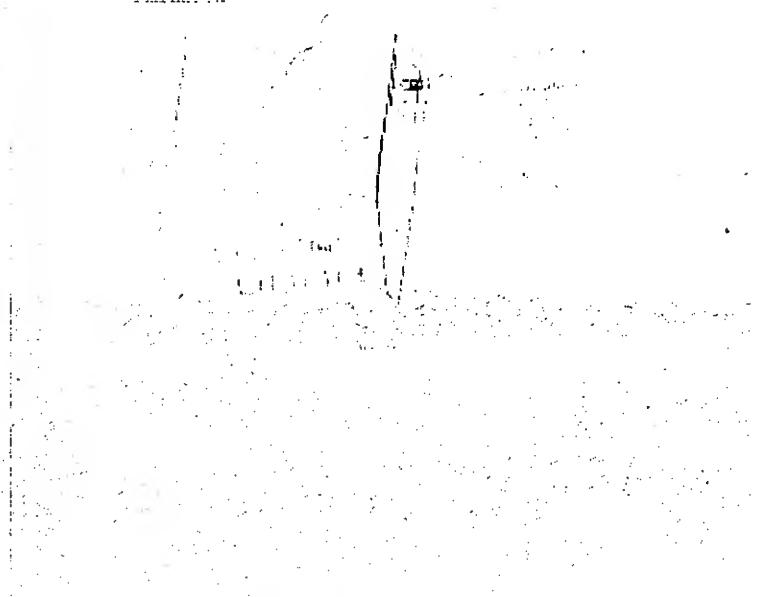


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/ mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of the same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100 mg. to 2 g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21 (198)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2012

का.आ. 1748.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स संधु स्केल क., गुरुनानक नगर, भवानीगढ़ रोड, समाना (पंजाब)-147101 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एसएसपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "सुपरस्टार" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/586 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करता है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाड़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की रेंज में सत्यापन मापमान अंतराल (एन) क्षमता वाले हैं और "ई" मान 1×10^k , 2×10^k , 5×10^k , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (198)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2012

S.O. 1748.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series "SSP" and with brand name "SUPERSTAR" (hereinafter referred to as the said model), manufactured by M/s. Sandhu Scale Co, Guru Nanak Nagar, Bhawanigarh Road, Samana (Punjab)-147101 which is assigned the approval mark IND/09/10/586;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 200kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1 Model



Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done by passing sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/ mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of the same series with maximum capacity up to 50kg. up to 5000kg. with number of verification scale interval (n) in the range of 100 to 10000 for ' e ' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g. or more and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (198)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2012

का.आ. 1749.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर-टोलेडो ए.जी., इम लांचर, 8606, ग्रीफेंसी, स्विटजरलैंड द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग 1) वाले “जेएल” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मेटलर टोलेडो” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) जिसे भारत में मैसर्स मैटलर टोलेडो इंडिया प्रा. लि., अमर हिल्स, साकी विहार रोड, पोवई, मुंबई-400072 द्वारा विपणीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/10/303 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक इलैक्ट्रो मैग्नेटिक फोर्स कम्पनेशन प्रिंसीपल मोनो ब्लाक टैकनोलॉजी पर आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1510 कैरेट है। सत्यापन मापमान अंतराल (ई) 0.01 कैरेट है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिविंड क्रिस्टल (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

इंडीकेटर के दोनों तरफ दिए गए सीलिंग होल्स में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए.डी. कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 0.01 कैरेट या उससे अधिक के “ई” मान के लिए 1,51,000 तक या उससे कम की रेंज में सत्यापन मापमान अंतराल (एन) सहित 1510 कैरेट तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 या 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (125)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2012

S.O. 1749.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Special Accuracy (Accuracy class-I) of series "JL" and with brand name "METTLER TOLEDO" (hereinafter referred to as the said model), manufactured by M/s. Mettler Toledo, AG 1m Langacher, 8606 Greifensee, Switzerland and marketed in India by M/s Mettler Toledo India Pvt. Ltd., Amar Hills, Saki Vihar Road, Powai, Mumbai-400 072 and which is assigned the approval mark IND/09/10/303 ;

The said model is an electro magnetic force compensation principle with mono block technology based non-automatic weighing instrument with a maximum capacity of 1510 carats. The verification scale interval (e) is 0.01 carats. It has a tare device with a 100 percent subtractive retained tare effect. The light crystal (LCD) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1 Model

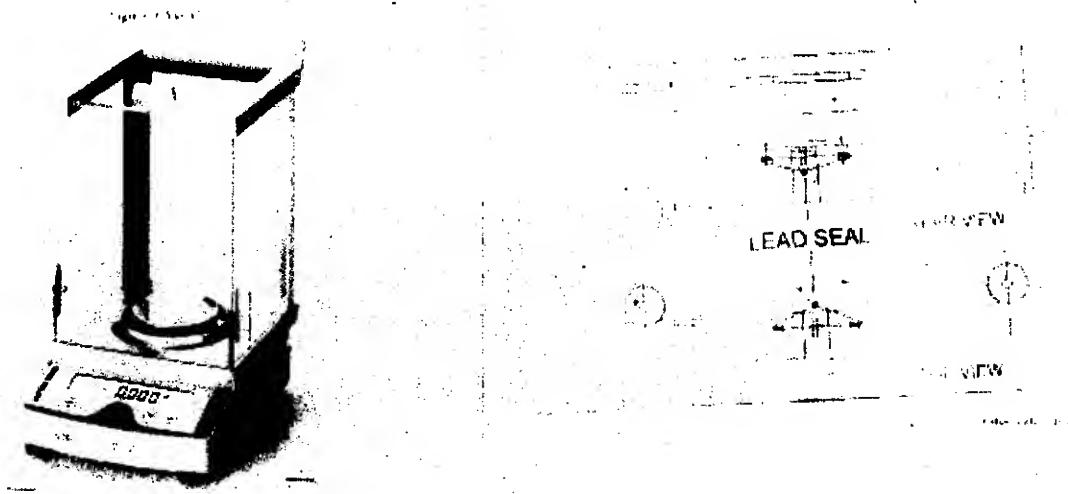


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body of the scale through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/ mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 1510 carats with verification scale interval (n) in the range of 1,51,000 or less for 'e' value of 0.01 carats or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (125)/2010]

B. N. DIXIT, Director of Legal Metrology

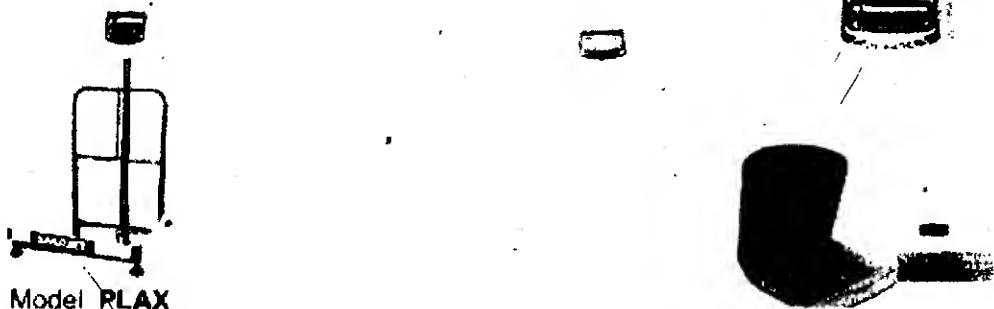
नई दिल्ली, 16 मार्च, 2012

का.आ. 1750.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसेस एक्सेस इलेक्ट्रोनिक्स, जी-72 सलाकी इंडस्ट्रीयल एरिया, देहरादून, उत्तराखण्ड द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “पीएलएएक्स” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम “समार्ट इम्पेक्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/276 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाड़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायबद्ध उपरोक्त दिया गया है।

उपकरण में बाहरी कोलिब्रेशन तक पहुंच की सुविधा है। बाहरी कोलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्भाता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही भेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (381)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2012

S.O. 1750.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sections 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of the Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indicates of medium accuracy (accuracy class-III) of series "PLAX" and with brand name "SMART IMPACT" (hereinafter referred to as the said model), manufactured by M/s. Axis Electronics, G-72, Selaqui Industrial Area, Dehradun, Uttrakhand and which is assigned the approval mark IND/09/10/276:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type-with kg to litre conversion facility) with a maximum capacity of 1000kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1 Model

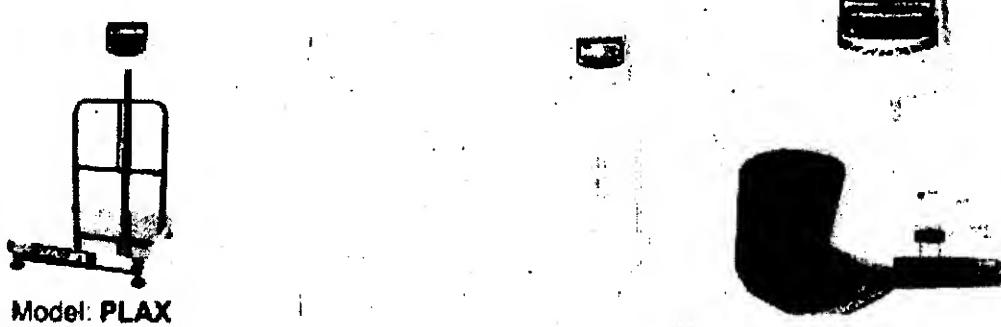


Figure-2 : Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/ mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (381)/2010]

B. N. DIXIT, Director of Legal Metrology

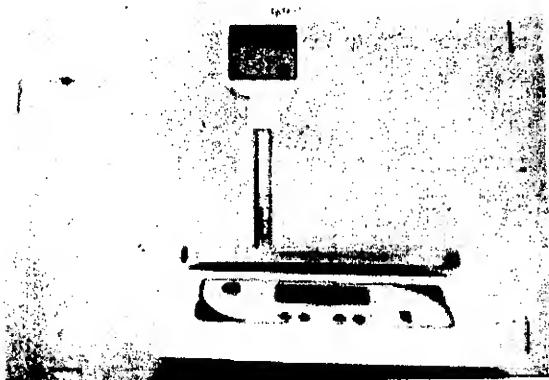
नई दिल्ली, 16 मार्च, 2012

का.आ. 1751.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्पार्ट टैक्मोलोजी सिस्टम्स, नं. 31, पांचवा 'सी' क्रॉस, एम ई एस रोड, शारदाम्बा नगर, जलहाली, बंगलौर-560013, कर्नाटक द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एसटीएस-03टीई" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/609 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप क्षमर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। माडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के 'ई' मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^{-8} , 2×10^{-8} , 5×10^{-8} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (367)/2010]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2012

S.O. 1751.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approves of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "STS-03 TE" and with brand name "SMART" (hereinafter referred to as the said model), manufactured by M/s. Smart Technology Systems, No. 31, 5th 'C' Cross, MES Road, Sharadamba Nagar, Jalahalli, Bangalore-560013, Karnataka and which is assigned the approval mark IND/09/10/609;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1 Model

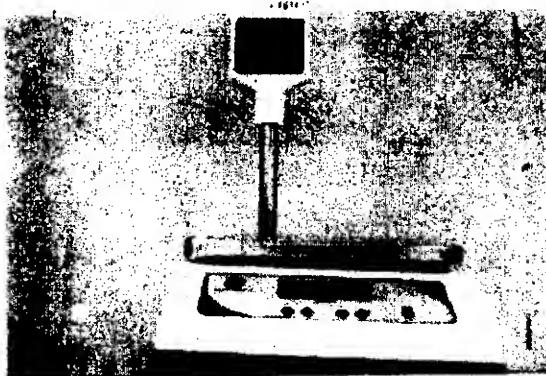


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/ mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10 000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (367)/2010]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2012

का.आ. 1752.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्टार्ट टैक्नोलॉजी सिस्टम्स, नं. 31, पांचवा 'सी' क्रॉस, एम ई ईस रोड, शारदाम्बा नगर, जलहाली, बंगलौर-560013, कर्नाटक द्वारा विनिर्मित माप्यम यथार्थता (यथार्थता वर्ग III) वाले "एसटीएस-03पीई" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/610 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका 100 प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपरोक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप ट्रिव्हच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. से 2 ग्रा. तक या इससे अधिक के 'ई' मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक और ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21 (367)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2012

S.O. 1752.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class-III) of series "STS-03 PE" and with brand name "SMART" (hereinafter referred to as the said model), manufactured by M/s. Smart Technology Systems, No. 31, 5th 'C' Cross, MES Road, Sharadamba Nagar, Jalahalli, Bangalore-560013, Karnataka and which is assigned the approval mark IND/09/10/610;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1 Model

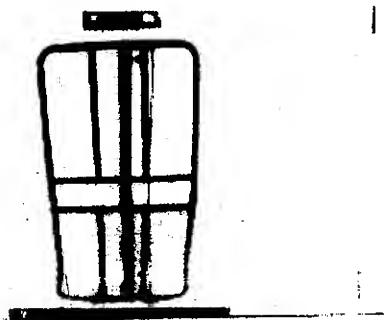


Figure-2 : Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/ mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. and above 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21 (367)/2010]

B. N. DIXIT, Director of Legal Metrology

(भारतीय मानक व्यूरो)

नई दिल्ली, 26 अप्रैल, 2012

का.आ. 1753.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एवं द्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह वे स्थापित हो गया है :

अनुसूची

क्रम सं	स्थापित भारतीय मानक (को)	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1885 (भाग 74) : 2012/ आईईसी 60050-151 : 2001 विद्युत तकनीकी पारिभाषिक शब्दावली भाग 74 विद्युत चुम्बकीय युक्तियाँ (पहला पुनरीक्षण)	-	26-04-2012
2.	आई एस 1885 (भाग 75) : 2012/ आईईसी 60050-351 : 2006 विद्युत तकनीकी पारिभाषिक शब्दावली भाग 75 नियंत्रण प्रौद्योगिकी (पहला पुनरीक्षण)	-	26-04-2012

इस भारतीय मानक की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 01/टी-40, टी-41]
आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 26th April, 2012

S.O. 1753.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies to the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 1885 (Part 74) : 2012/IEC 60050-151 : 2001 Electrotechnical Vocabulary, Part 74 Electrical and Magnetic Devices (First Revision)	-	26-4-2012

(1)	(2)	(3)	(4)
2.	IS 1885 (Part 75) : 2012/IEC 60050-351 : 2006 Electrotechnical Vocabulary, Part 75 Control Technology (First Revision)		26-4-2012

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 01/T-40, T-41]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 4 मई, 2012

का.आ.— 1754.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में एतदहारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गये हैं वे रद्द कर दिए गए हैं और बापस ले लिए गये हैं :

अनुसूची

क्रम सं.	बापस किए गये मानक(कों) की संख्या और वर्ष	भारत के राजपत्र भाग II, खंड 3, उप-खंड (ii) में का.आ. संख्या और तिथि प्रकाशित	टिप्पणी
(1)	(2)	(3)	(4)
1.	आईएस 2071 (भाग 2) : 1974	0988, 06-03-1976	—

[संदर्भ : ईटी 19/जी-63 (ए)]

आर. के. ट्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 4th May, 2012

S.O. 1754.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, it is hereby notified that the Indian Standard, particulars of which are mentioned in the Schedule give hereafter have been cancelled and stand withdrawn :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards Withdrawn	S. O. No. & Date published in the Gazette of India, Part-II Section-3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1.	IS 2071 (Part 2) : 1974 Methods of high voltage testing : Part 2 Test procedures (First Revision)	0988 dt. 06-03-1976	—

[Ref: ET 19/G-63 (A)]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

शुद्धि-पत्र

नई दिल्ली, 7 मई, 2012

का.आ. 1755.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उपविनियम (5) के अनुसरण में भारतीय मानक व्यूरो एवंद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि, एवं पर्याय/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा.मा सं./भाग/खण्ड/वर्ष
(1)	(2)	(3)	(4)	(5)	(6)
1.	3821762	04-04-2012	बी.इन्टरप्राइज़ एवं पॉपुलर मेटल रोलिंग इण्ड., कंपाउण्ड, टैंक रोड, सौभाग्य अस्पताल के सामने आण्डुप, पश्चिम, मुंबई - 400078	बिजली के घरेलू खाद्य मिक्सर (द्रवीपरक और ग्राइन्डर)	भा.मा 4250 : 1980
2.	3822259	10-04-2012	गोल्ड ऑयल कार्पोरेशन (सिलवासा) प्लॉट सं. 5, सर्वे सं. 207/5 विलेज उमरकोल, दादरा एवं नगर हवेली सिलवासा - 396230	नये विद्युत रोधन तेल	भा.मा 335 : 1993
3.	3822865	16-04-2012	साई इलेक्ट्रीकल्स, चॉल सं. 104/829, मोतीलाल नगर सं. 1, गोरेगांव -पश्चिम, मुंबई - 401104	घरेलू और समान प्रयोजनों के लिए स्विचे	भा.मा 3854 : 1997

[सं. कोन्नीय प्रमाणन विभाग/13:11]
एस. बी. रौय, वैज्ञानिक 'एफ' एवं प्रमुख(एमडीएम III)

नई दिल्ली, 8 मई, 2012

का.आ. 1756.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एवंद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह/वे स्थापित हो गया है :

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/आईईसी 62056-21: 2002 विद्युत मीटरिंग - मीटर रीडिंग, शुल्क और लघु नियंत्रण के लिए ओकड़ों का विनियम भाग 21 : प्रत्यक्ष स्थानीय ऑकड़ा विनियम	-	08-05-2012

(1)	(2)	(3)	(4)
2.	आई एस/आईईसी 62056-42: 2002 विद्युत मीटरिंग - मीटर रीडिंग, प्रभार और भार नियंत्रण के लिए ऑकड़ों का विनियम भाग 42 : कनेक्शन उन्मुखी अतुल्यकालिक आँकड़ा विनियम के लिए भौतिक संस्तर सेवाएँ	-	08-05-2012
3.	आई एस/आईईसी 62056-47: 2006 विद्युत मीटरिंग - मीटर रीडिंग, प्रभार और भार नियंत्रण के लिए ऑकड़ों का आदान-प्रदान भाग 47 1PV4 नेटवर्क हेतु कॉस्म परिवहन	-	08-05-2012

इस भारतीय मानक की एक प्रति भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह ज़फर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, घोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 33/टी-47, टी-49, टी-54]
आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 8th May, 2012

S.O. 1756.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the Indian Standards to the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS/IEC 62056-21: 2002 Electricity Metering - Data Exchange for Meter Reading Tariff and load control - Part 21 : Direct local data exchange	-	08-5-2012
2.	IS/IEC 62056-42: 2002 Electricity Metering - Data Exchange for Meter Reading Tariff and load control - Part 42 Physical Layer Services and procedures for connection- oriented Asynchronous data exchange	-	08-5-2012
3.	IS/IEC 62056-47: 2006 Electricity Metering - Data Exchange for Meter Reading Tariff and load control - Part 47 Cosem Transport Layers for 1PV4 Networks	-	08-5-2012

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: ET-13/T-47, T-49, T-54]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 8 मई, 2012

का.आ. 1757.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 4 के उप-विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो द्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृति करने की तिथि/वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु संख्या	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3821358	03-04-2012	हाई-बॉड सिमेंट (इंडिया) प्रा. लि., सर्वे नं. 315/316/ 317, राजकोट-पोरबंदर हाईवे नं. 8-बी, गोमता पतिया, ग्राम पटीदाद, तालुका गोण्डल, जिला राजकोट, गुजरात	53 ग्रेड की साधारण पोर्टलैंड सीमेंट	12269	-	-	1987
2.	3821459	03-04-2012	हाई-बॉड सिमेंट (इंडिया) प्रा. लि., सर्वे नं. 315/316/ 317, राजकोट-पोरबंदर हाईवे नं. 8-बी, गोमता पतिया, ग्राम पटीदाद, तालुका गोण्डल, जिला राजकोट, गुजरात	पोर्टलैंड पोजोलाना सीमेंट	1489	1	-	1991
3.	3821964	04-04-2012	एकॉर्ड प्लास्टिक जीआईडीसी - II, प्लॉट नं. 707, सब्बलपुर, जिला जूनागढ, गुजरात-362037	पेयजल आपूर्ति के लिए प्लास्टिकृत पीवीसी पाइप	4985	-	-	2000
4.	3821863	04-04-2012	नर्मदा पाइप्स सर्वे नं. 211, राजकोट- गोण्डल एनएच वाया भक्तिनगर रेलवे स्टेशन (राजकोट), वेरावल (शापर), जिला राजकोट गुजरात - 360002	सिंचाई उपस्कर- स्प्रिंकलर पाइप-विशिष्ट भाग 1 पालीएथिलीन पाइप	141751	1	-	1999
5.	3822360	11-04-2012	वृद्धावन मेटल्स प्लॉट नं. जी- 1362, रोड 1, जीआईडीसी मेटोदा, राजकोट गुजरात	घरेलू प्रेशर कुकर	2347	-	-	2006

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
6.	3823160	18-04-2012	अजंता लि. पी. ओ. बॉक्स नं. 177, ऑरेंट इंडस्ट्रियल इस्टेट, मोरबी राजकोट हाईवे, मोरबी, जिला राजकोट गुजरात- 363641	बिजली के घरेलू खाद्य मिक्सर (इवोकारक और ग्राइडर) की विशिष्टि	4250	- -	1980	
7.	3824566	25-04-2012	जॉली रबर प्लॉट नं. जी- 904/बी, जीआईडीसी लोधिका, किशनगंगा गेट, ग्राम मेटोदा, तालुका लोधिका, जिला राजकोट, गुजरात- 360021	स्वचल बाहन-वायवीय टायरों के लिए दर्यूष- विशिष्टि	13098	- -	1991	
8.	3824869	27-04-2012	अंकीता पंप इंडस्ट्रिज मवडी बायपास, धरती पान स्ट्रीट, खोडियार इंडस्ट्रियल एरिया, मवडी, राजकोट, गुजरात- 360004	खुले कुएं के लिए सवर्मसिबल पम्पसेट	14220	- -	1994	
9.	3824768	27-04-2012	अंकीता पंप इंडस्ट्रिज मवडी बायपास, धरती पान स्ट्रीट, खोडियार इंडस्ट्रियल एरिया, मवडी, राजकोट, गुजरात- 360004	सवर्मसिबल पम्पसेट्स	8034	- -	2002	
10.	3824970	27-04-2012	काठियावाड पंप्स नेहरू नगर, एनएच 8 बी, कामनाथ वेट ब्रिज के पास, राजकोट, गुजरात- 360002	सवर्मसिबल पम्पसेट्स	8034	- -	2002	
11.	3826267	30-04-2012	श्री शिवशक्ति इंडस्ट्रिज स्ट्रीट नं. 13/10, सोरठियावाड़ी, संकर मादिर के समीप राजकोट, गुजरात- 360002	सवर्मसिबल पम्पसेट्स	8034	- -	2002	
12.	3826065	30-04-2012	आकाश पॉलीप्लस्ट शेड नं. 1, सर्वे नं. 251, प्लॉट नं. 1, ज्योती इंडस्ट्रियल इस्टेट, शापर (वेरावल) तालुका कोटदा-संगानी राजकोट, गुजरात- 360024	पानी की आपूर्ति हेतु उच्च घनत्व पॉलीइथाइलीन पाइप	4984	- -	1995	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
13.	3825972	30-04-2012	गार्ग कास्टिल्स (प्रा.) लि. सर्वे नं. 43/1, सिहार अहमदाबाद रोड, ग्राम वाडिया, तालुका सिहोर, भावनगर, गुजरात- 364240	कार्बन इस्पात के बिलेट (साधारण किस्म)	2831	- -	2001	
14.	3825568	30-04-2012	कृष्णा स्टील प्रोडक्ट्स सर्वे नं. 222 सिहार घंघाली रोड, जीआईडीसी 4, घंघाली तालुका सिहोर, जिला भावनगर, गुजरात- 364240	हॉट रोल्ड मेडियम एण्ड हाई टेंसायल स्ट्रक्चरल स्टील	2062	- -	2011	

[सं. केन्द्रीय प्रमाणन विभाग/13:11]
एम. राधाकृष्ण, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 8th May, 2012

S.O. 1757.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3821358	03-04-2012	Hi-Bond Cement (India) Pvt. Ltd., Survey No. 315/ 316/317, Rajkot-Porbandar Highway No. 8-B, Gomta Patia, Village Patidad Taluka Gondal District Rajkot Gujarat	53 grade ordinary portland cement	12269	- -	1987	
2.	3821459	03-04-2012	Hi-Bond Cement (India) Pvt. Ltd., Survey No. 315/ 316/317, Rajkot-Porbandar Highway No. 8-B, Gomta Patia, Village Patidad Taluka Gondal District Rajkot Gujarat	portland pozzolana cement part 1 flyash based	1489	1	-	1991
3.	3821964	04-04-2012	Accord Plastic GIDC-II, Plot No. 707, Sabalpur, District Junagadh Gujarat-362037	Unplasticized pvc pipes for potable water supplies	4985	- -	2000	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
4.	3821863	04-04-2012	Narmada Pipes Survey No. 211 Rajkot-Gondal National Highway via Bhaktinagar Station (Rajkot), Veraval (Shapar) Veraval (Shapar) District Rajkot Gujarat-360002	Irrigation equipment- sprinkler pipes- part-I : polyethylene pipes	141751	1	-	1999
5.	3822360	11-04-2012	Vrundavan Metals Plot No. G-1362, Road 1. GIDC, Metoda, District Rajkot Gujarat	Domestic pressure cookers	2347	-	-	2006
6.	3823160	18-04-2012	Ajanta Ltd. PO Box No. 177 Orpat Industrial Estate, Morbi Rajkot Highway, Morbi, District Rajkot Gujarat-363641	Domestic electric food-mixers (liquidizes and grinders)	4250	-	-	1980
7.	3824566	25-04-2012	Jolly Rubber Plot No. G 904/B, GIDC Lodhika, Kishan Gate, at Village Metoda, Taluka Lodhika, District Rajkot Gujarat-360021	Automotive vehicles- tubes for pneumatic tyres.	13098	-	-	1991
8.	3824869	27-04-2012	Ankeeta Pump Industries Mavdi bypass, Dhartipan Street, Khodiyar Ind. Area, Mavadi, Rajkot Gujarat-360004	Openwell Submersible Pumpsets	14220	-	-	1994
9.	3824768	27-04-2012	Ankeeta Pump Industries Mavdi bypass, Dhartipan Street, Khodiyar Ind. Area, Mavadi, Rajkot Gujarat-360004	Submersible Pumpsets	8034	-	-	2002
10.	3824970	27-04-2012	Kathiyaward Pumps Nehru Nagar, N. H. 8-B, NR Kamnath Weigh Bridge, Rajkot Gujarat-360002	Submersible Pumpsets	8034	-	-	2002
11.	3826267	30-04-2012	Shree Shivshakti Industries Street No. 13/10, Sorthiyawadi, Near Sankar Temple, Rajkot Gujarat-360002	Submersible Pumpsets	8034	-	-	2002

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
12.	3826065	30-04-2012	Akash Poly Plast Shed No. 1, Survey No. 251, Plot No. 1, Jyoti Industrial Estate, Shapar (Veraval) Taluka Kotda-Sangani, District Rajkot Gujarat-360024	High density polyethylene pipes for portable water supplies	4984	-	-	1995
13.	3825972	30-04-2012	Garg Casteels (P) Ltd. Survey No. 43/1, Sihor Ahmedabad Road, At Village Vadiya, Taluka Sihor, District Bhavnagar Gujarat-364240	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into low tensile structural steel	2831	-	-	2001
14.	3825568	30-04-2012	Krishna Steel Products Survey No. 222, Sihor Ghangli Road, Near GIDC IV, at Ghangli, Taluka Sihor, District Bhavnagar Gujarat-364240	Hot rolled medium and high tensile structural steel	2062	-	-	2011

[No. CMD/13:11]

M. RADHAKRISHNA, Scientist 'F' & Head

नई दिल्ली, 8 मई, 2012

का.आ. 1758.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह/वे स्थापित हो गया है :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों)	नये भारतीय मानक द्वारा स्थापित तिथि	
	की संख्या वर्ष और शीर्षक		
(1)	(2)	(3)	(4)
1.	आई एस/आईईसी 60947-1 : 2007 निम्न-कोलकाता के स्विच गियर और नियंत्रण गियर भाग 1 सामान्य नियम (पहला पुनरीक्षण)	-	08-05-2012

इस भारतीय मानक की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईंटी 07/टी-52]
आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 8th May, 2012

S.O. 1758.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the Indian Standards to the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS/IEC 60947-1 : 2007 Low Voltage Switchgear and Controlgear Part 1 General Rules (First Revision)	—	08-05-2012

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: ET/07/T-52]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 9 मई, 2012

का.आ. 1759.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एंटद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
I.	आई एस/आई एस ओ 5580 : 1985 अविनाशी परीक्षण—ओद्योगिक रेडियोग्राफी इल्यूमिनेटर— न्यूनतम अपेक्षाएं	—	30-04-2012

इस भारतीय मानक की प्रतियोगी भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 21/टी-76]

पी. घोष, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 9th May, 2012

S.O. 1759.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed has been established on the date indicated against each :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS/ISO 5580 : 1985 Non-destructive testing-Industrial radiographic illuminators - minimum requirements	—	30-04-2012

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: MTD 21/T-76]

P. GHOSH, Scientist 'F' & Head (MTD)

नई दिल्ली, 9 मई, 2012

का.आ. 1760.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एवं इसके अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15946 : 2012/आई एस ओ 9539 : 1988 गैस वेल्डिंग, कटिंग एवं संबद्ध प्रक्रियाओं में प्रयुक्त उपकरणों की सामग्रियाँ	—	30-04-2012

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 11/टी-7]
पी. घोष, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 9th May, 2012

S.O. 1760.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15946 : 2012/ISO 9539 : 1988 Materials for equipment used in gas welding, cutting and allied processes	—	30-04-2012

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. : MTD 11/T-7]
P. GHOSH, Scientist 'F' & Head (MTD)

नई दिल्ली, 10 मई, 2012

का.आ. 1761.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 6873 (भाग 2/ अनुभाग 1) : 2012/सिस्पर 14-1 : 2009 रेडियो व्यवधान लक्षणों की पद्धतियाँ एवं सीमाएँ भाग 2 विद्युत चुम्बकीय संगतता (ई एम सी) घरेलु साधित्र, विद्युत संयंत्र और समान उपकरणों के लिए अपेक्षाएँ अनुभाग 1 उत्सर्जन (दूसरा पुनरीक्षण)	—	मार्च 2012
2.	आई एस 8161 (भाग 5) : 2011/ आई ई सी 61123:1991 उपस्कर विश्वसनीयता परीक्षण हेतु मार्गदर्शिका भाग 5 सफलता अनुपात के लिए परीक्षण योजना अनुपालन (पहला पुनरीक्षण)	—	दिसम्बर 2011

(1)	(2)	(3)	(4)
3.	आई एस 15037: 2011/ आई ई सी 61078: 2006 डिपैडेबिलिटी विश्लेषण तकनीकें - विश्वसनीयता ब्लाक डायाग्राम एवं बूलियन विधि (पहला पुनरीक्षण)	—	दिसम्बर 2011
4.	आई एस 15038: 2011/ आई ई सी 61164: 2004 रिलाइबिलिटी गोथ - सार्विकीय परीक्षण एवं निर्धारण विधियाँ (पहला पुनरीक्षण)	—	दिसम्बर 2011
5.	आई एस/आई ई सी 61196-1-103: 2005 समाक्ष संचार केबल भाग 1-103 इलैक्ट्रिकल परीक्षण विधियाँ - परीक्षण धारिता के लिए केबल	—	दिसम्बर 2011
6.	आई एस/आई ई सी 61196-1-105: 2006 समाक्ष संचार केबल भाग 1-105 इलैक्ट्रिकल परीक्षण विधियाँ - परावैद्युत केबल की विद्युतीय वोल्टेज के लिए परीक्षण	—	दिसम्बर 2011
7.	आई एस/आई ई सी 61196-1-107: 2005 समाक्ष संचार केबल भाग 1-107 इलैक्ट्रिकल परीक्षण विधियाँ - केबल माइक्रोफोनी चार्ज स्तर के लिए परीक्षण (यांत्रिकी प्रेरक शोर)	—	दिसम्बर 2011
8.	आई एस/आई ई सी 61196-1-108: 2005 समाक्ष संचार केबल भाग 1-108 इलैक्ट्रिकल परीक्षण विधियाँ - संरचना प्रतिबाधा, फेज और गृप विलम्ब विद्युतीय लम्बाई और संचारित वेग के लिए परीक्षण	—	फरवरी 2012
9.	आई एस/आई ई सी 61196-1-111: 2005 समाक्ष संचार केबल भाग 1-111 इलैक्ट्रिकल परीक्षण विधियाँ - फेज स्थिरांक की स्थायित्वता के लिए परीक्षण	—	मार्च 2012
10.	आई एस/आई ई सी 61196-1-112: 2006 समाक्ष संचार केबल भाग 1-112 इलैक्ट्रिकल परीक्षण विधियाँ वापसी हानि के लिये परीक्षण (प्रतिबाधा की समानता)	—	मार्च 2012
11.	आई एस/आई ई सी 61196-1-115: 2006 समाक्ष संचार केबल भाग 1-115 इलैक्ट्रिकल परीक्षण विधियाँ - प्रतिबाधा की नियमितता के लिये परीक्षण (स्पंद/स्टैप कार्य वापसी हानि)	—	फरवरी 2012

(1)	(2)	(3)	(4)
12.	आई एस/आई ई सी 61196-1-301: 2005 समाक्ष संचार केबल भाग 1-301 इलैक्ट्रिकल परीक्षण विधियाँ - अंडाकारिता परीक्षण	-	फरवरी 2012
13.	आई एस/आई ई सी 62209-1-2005: हस्त-स्थित व इंसानी शरीर आरोपित बेतार संचार युक्तियों से रेडियो आवृति के विकिरण का इंसान पर अनावरण-इंसानी मॉडल, मापयंत्रण व प्रतिक्रियाएं भाग 1 कान के करीब इस्तेमाल होने वाली हस्त-स्थित युक्तियों के लिए (आवृति शृंखला 300 मेगा हर्ट्ज से 3 गीगा हर्ट्ज) विशिष्ट अनवेषण दर (एस ए आर) को निर्धारित करने की प्रक्रिया	-	मार्च 2012
14.	आई एस/आई ई सी 60862-2-2002 ध्वनी संबंधी सतह तंरंग (एस ए डब्ल्यू) फिल्टर की निर्धारित गुणता भाग 2 प्रयोग हेतु मार्गदर्शिका	-	फरवरी 2012
15.	आई एस/आई ई सी 60862-3-2003 ध्वनी संबंधी सतह तंरंग (एस ए डब्ल्यू) फिल्टर की निर्धारित गुणता भाग 3 मानक रूपरेखा	-	फरवरी 2012
16.	आई एस/आई ई सी 61196-1-104: 2005 समाक्ष संचार केबल भाग 1-104 इलैक्ट्रिकल परीक्षण विधियाँ -परीक्षण धारिता स्थायित्व के लिए केबल आई एस/आई ई सी 62226-1-2004 निम्न मध्यवर्ती आवृति शृंखला में विद्युत या चुम्बकीय क्षेत्र का अनावरण- इंसानी शरीर में विद्युत धारा घनत्व और प्रेरित आंतरिक विद्युत को परिकलन करने की विधि भाग 1 सामान्य	-	अप्रैल 2012
17.	आई एस/आई ई सी 62226-1-2004 निम्न मध्यवर्ती आवृति शृंखला में विद्युत या चुम्बकीय क्षेत्र का अनावरण- इंसानी शरीर में विद्युत धारा घनत्व और प्रेरित आंतरिक विद्युत को परिकलन करने की विधि भाग 1 सामान्य	-	फरवरी 2012
18.	आई एस/आई ई सी 62226-2-2004 निम्न मध्यवर्ती आवृति शृंखला में विद्युत या चुम्बकीय क्षेत्र का अनावरण- इंसानी शरीर में विद्युत धारा घनत्व और प्रेरित आंतरिक विद्युत को परिकलन करने की विधि भाग 2 सामान्य चुम्बकीय क्षेत्र का अनावरण अनुभाग 12 डी मॉडल	-	मार्च 2012
19.	आई एस/आई ई सी 62233-2005 इसान के अनावरण से सम्बन्धित घरेलू साधित्र और समान उपकरणों के विद्युत चुम्बकीय क्षेत्र की मापन पद्धतियाँ	-	मार्च 2012
20.	आई एस/आई ई सी 62369-1: 2008 0 से 300 गीगा हर्ट्ज की आवृति शृंखला पर विविध प्रयोजनाओं में छोटी शृंखला की युक्तियों से विद्युत चुम्बकीय क्षेत्र के इंसानी शरीर पर अनावरण का मूल्यांकन भाग 1 इलैक्ट्रोनिक मदों के निरीक्षण, रेडियो आवृति पहचान और समान प्रणालियों के लिये इस्तेमाल युक्तियों द्वारा उत्पादित क्षेत्र	-	अप्रैल 2012

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कॉलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एलआईटीडी/जी-75]
नरेन्द्र सिंह, प्रमुख (इलैक्ट्रॉनिकी एवं आई टी)

New Delhi, the 10th May, 2012

S.O. 1761.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl.No.	No. and Year of the Indian Standards Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 6873: PART 2/SEC 1:2012 Limits and methods of measurements of radio disturbance characteristics Part 2 Electro Magnetic Compatibility (EMC) Requirements for Household Appliances, Electric tools and similar apparatus, Section 1 Emission (Second Revision)	-	March 2012
2.	IS 8161(Part 5):2011 Guide for Equipment Reliability Testing Part 5 Compliance Test Plans for Success Ratio (First Revision)	-	December 2011
3.	IS 15037:2011 Analysis Techniques for Dependability- Reliability Block Diagram and Boolean Methods (First Revision)	-	December 2011
4.	IS 15038:2011 Reliability Growth- Statistical Test and Estimation Methods (First Revision)	-	December 2011
5.	IS/IEC 61196-1-103 :2005 Coaxial Communication Cables Part 1-103 Electrical Test Methods -- Test for Capacitance of Cable	-	December 2011
6.	IS/IEC 61196-1-105 :2005 Coaxial Communication Cables Part 1-105 Electrical Test Methods - Test for Withstand Voltage of Cable Dielectric	-	December 2011
7.	IS/IEC 61196-1-107:2005 Coaxial Communication Cables Part 1-107 Electrical Test Methods -- Test for Cable Microphony Charge Level (Mechanically Induced Noise)	-	December 2011
8.	IS/IEC 61196-1-108:2005 Coaxial Communication Cables Part 1-108 Electrical Test Methods - Test for Characteristic Impedance, Phase and Group Delay, Electrical Length and Propagation Velocity	-	February 2012
9.	IS/IEC 61196-1-111 :2005 Coaxial Communication Cables, Part 1-111 Electrical Test methods - Test for Stability of Phase Constant	-	March 2012

(1)	(2)	(3)	(4)
10.	IS/IEC 61196-1-112:2005 Coaxial Communication Cables, Part 1-112 Electrical Test methods - Test for return loss (Uniformity of impedance)		March 2012
11.	IS/IEC 61196-1-115:2005 Coaxial Communication Cables Part 1-115 Electrical Test methods - Test for Regularity of Impedance (Pulse/Step Function Return Loss):		February 2012
12.	IS/IEC 61196-1-301 :2005 Coaxial Communication Cables Part 1-301 Electrical Test Methods - Test for ovality		February 2012
13.	IS/IEC 62209 : Part 1 Human Exposure to Radio Frequency Fields-from Hand-held and Body-mounted Wireless Communication Devices Human Models,Instrumentation and Procedures Part 1 Procedure to determine the Specific Absorption Rate (SAR) for Hand-held Devices used in Close Proximity to the Ear (Frequency range of 300 MHz to 3GHz)		March 2012
14.	IS/IEC 60862-2:2002 Surface acoustic wave (saw) filters of assessed quality Part 2 Guidance on use		February 2012
15.	IS/IEC 60862-3:2003 Surface acoustic wave (saw) filters of assessed quality Part 3 Standard outlines		February 2012
16.	IS/IEC 61196: Part 1 : Sec 104:2005 Coaxial Communication Cables Part 1-104 Electrical Test Methods - Test for Capacitance Stability of Cable		April 2012
17.	IS/IEC 62226-1 :2004 Exposure to electric or magnetic fields in the low and intermediate frequency range - Methods for calculating the current density and internal electric field induced in the human body Part 1 General		February 2012
18.	IS/IEC 62226-2-1 :2004 Exposure to electric or magnetic fields in the low and intermediate frequency range - methods for calculating the current density and internal electric field induced in the human body Part 2 Exposure to magnetic fields Section 12D Models		March 2012
19.	IS/IEC 62233:2005 Measurement methods for electromagnetic fields of household appliances and similar apparatus with regard to human exposure		March 2012
20.	IS/IEC 62369 : Part 1 :2008 Evaluation of Human Exposure to Electromagnetic Fields from Short Range Devices (SRDS) in various Applications over the Frequency Range 0 GHz to 300 GHz Part 1 Fields Produced by Devices used for Electronic Article Surveillance, RFI and Similar Systems		April 2012

Copies of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi- 110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: LTD/G-75]

NARENDRA SINGH, Head (Electronics & IT)

नई दिल्ली, 10 मई, 2012

का.आ. 1762.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानक के संशोधन के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम सं.	स्थापित भारतीय मानक के संशोधन की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 537: 2011 टालवीन -विशिष्टि (दूसरा पुनरीक्षण)	कुछ नहीं	दिसम्बर 2011
2.	आई एस 1448 (पी:154): 2012/आई एस ओ 12205: 1995 पेट्रोलियम एवं इसके उत्पादों के परीक्षणों की पद्धतियां(पी:154) मध्यवर्ती आसुत ईंधन की आवसीजन स्थिरता ज्ञात करना	कुछ नहीं	मार्च 2012
3.	आई एस 11159 (भाग 4): 2011/आई एस ओ 6743-3: 2003 स्नेहक, औद्योगिक तेल एवं संबद्ध उत्पाद (श्रेणी एल) वर्गीकरण भाग 4 फैमिली डी (संपीडक)	कुछ नहीं	अगस्त 2011
4.	आई एस 11159 (भाग 6): 2011/आई एस ओ 6743-5: 2006 स्नेहक, औद्योगिक तेल एवं संबद्ध उत्पाद (श्रेणी एल) वर्गीकरण भाग 6 फैमिली टी (टरबाइंस)	कुछ नहीं	अगस्त 2011
5.	आई एस 11159 (भाग 7): 2012/आई एस ओ 6743-6: 1990 स्नेहक, औद्योगिक तेल एवं संबद्ध उत्पाद (श्रेणी एल) वर्गीकरण भाग 7 फैमिली सी (गियर)	कुछ नहीं	मार्च 2012
6.	आई एस 15958: 2012 स्वचल वाहनों के लिए संपीडित प्राकृतिक गैस (सी एन जी)- विशिष्टि	कुछ नहीं	मार्च 2012
7.	आई एस 15770: 2008 लाईट डीजल - विशिष्टि (द्विभाषी)	कुछ नहीं	मार्च 2012
8.	आई एस 1448 (पी:153): 2012/आई एस ओ 20847: 2004 पेट्रोलियम एवं इसके उत्पादों के परीक्षणों की पद्धतियां (पी:153) पेट्रोलियम-उत्पाद आटोमोटिव ईंधन की मात्रा ज्ञात करना- कर्जा परिक्षेपी एक्स-रे प्रतिदीपि स्पेक्ट्रोमीटरी	कुछ नहीं	अप्रैल 2012
9.	आई एस 1604: 2012 वायुयानों में प्रयुक्त गोसोलीन- विशिष्टि (चौथा पुनरीक्षण)	कुछ नहीं	अप्रैल 2012
10.	आई एस 3400 (भाग 24): 2012/आई एस ओ 8033: 2006 ब्ल्कनीकृत रबड़ की परीक्षण पद्धतियाँ भाग 24 रबड़ और प्लास्टिक हौज संघटकों के बीच आसंजन ज्ञात करना (पहला पुनरीक्षण)	कुछ नहीं	अप्रैल 2012

(1)	(2)	(3)	(4)
11.	आई एस 9873 (भाग 2): 2012/आई एस ओ 8124-2: 2007 खिलौनों की निरापदता भाग 2 ज्वलनशीलता (दूसरा पुनरीक्षण)	कुछ नहीं	अप्रैल 2012
12.	आई एस 11159 (भाग 5): 2012/आई एस ओ 6743-4: 1999 स्नेहक, औद्योगिक तेल एवं संबद्ध उत्पाद (श्रेणी एल) वर्गीकरण भाग 5 फैमिली एच (द्रव चालित प्रणालियाँ)	कुछ नहीं	अप्रैल 2012

इस भारतीय संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कॉयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पीसीडी/जी-7 (गज.)]
डॉ. (श्रीमती) विजय मलिक, वैज्ञानिक 'एफ' एवं प्रमुख (पीसीडी)

New Delhi, the 10th May, 2012

S. O. 1762.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendment/ Standards to Indian Standards, particulars of which is given in the Schedule hereto annexed have been established on the date indicated :—

SCHEDULE

Sl. No.	No. and year and title of the Indian Standards Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 537: 2011 Toluene - Specification (Second Revision)	None	December 2011
2.	IS 1448(P: 154): 2012/ISO 12205:1995 Methods of Tests for Petroleum and its products (P: 154) Determination of the Oxidation Stability of Middle-Distillate Fuels	None	March 2012
3.	IS 11159(Part 4): 2011/ISO 6743-3:2006 Lubricants, Industrial Oils and Related Products (Class L) - Classification Part 4 Family D (Compressors)	None	August 2011
4.	IS 11159(Part 6): 2011/ISO 6743-5:2006 Lubricants, Industrial Oils and Related Products (Class L) - Classification Part 6 Family T (Turbines)	None	August 2011

(1)	(2)	(3)	(4)
5.	IS 11159 (Part 7) : 2012/ISO 6743 -6: 1990 Lubricants, Industrial Oils and Related Products (Class L) - Classification Part 7 Family C (Gears)	None	March 2012
6.	IS 15958 : 2012 Compressed - Natural Gas (CNG) for Automotive purposes	None	March 2012
7.	IS 15770 : 2008 Light Diesel Oil -Specification (Bilingual)	None	March 2012
8.	IS 1448 (P: 153) : 2012/ISO 20847: 2004 Methods of Tests for Petroleum and its products (P: 153) Petroleum Products — Determination of Sulfur content of Automotive Fuels — Energy- Dispersive X-Ray Fluorescence Spectrometry	None	April 2012
9.	IS 1604 : 2012 Aviation Gasoline —Specification (Fourth Revision)	None	April 2012
10.	IS 3400 (Part 24) : 2012/ISO 8033 : 2006 Methos of Test for Vulcanized Rubber Part 24 Rubber and Plastics Hose— Determination of Adhesion between components (First Revision)	None	April 2012
11.	IS 9873 (Part 2) : 2012/ISO 8124 -2 : 2007 Safety of Toys Part 2 Flammability (Second Revision)	None	April 2012
12.	IS 11159 (Part 5) : 2012/ISO 6743 -4 : 1999 Lubricants, Industrial Oils and Related Products (Class L) - Classification Part 5 Family H (Hydraulic Systems)	None	April 2012

Copy of this amendment/standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: PCD/G-7(Gazette)]
Dr. (Smt.) VIJAY MALIK, Scientist 'F' & Head (PCD)

नई दिल्ली, 10 मई, 2012

का.आ. 1763.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि, वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. सं.	भाग	अनु	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	9898932	24-11-2011	नोवल प्रोडक्ट्स, के 83, इण्डस्ट्रीयल ग्रोथ सैन्टर, मानसा रोड, भटिण्डा (पंजाब)	पैकेजबंद पेयजल (प्राकृतिक मिनरल जल के अलावा)	14543		2004	
2.	9899631	2-12-2011	आर जी इण्डस्ट्रीज, बैकसाइड फोकल प्लाइंट एक्सटेंशन गाँव फजलपुर, रंधावा मंसदा के पास, जिला जालन्धर (पंजाब)	जल, गैस और मलजल के लिए एस्बेस्टस सीमेंट के दाब पाइप हेतु ढलवां लोहे के स्पेशल	5531		1988	
3.	9904190	26-12-2011	राहुल एन्टरप्राइजिज, एन एच 95, फिरोजपुर मोगा रोड, राधास्वामी डेरे के पास, गाँव व डाकघर लाले, जिला फिरोजपुर (पंजाब).142050	पशुओं के लिए आहार	2052		1979	
4.	9904291	27-12-2011	फैकलीन वार्ट्स, गाँव फतेहपुर, डाकघर एवं तहसील समनाना, जिला पटियाला (पंजाब)-147101	पैकेजबंद पेयजल (प्राकृतिक मिनरल जल के अलावा)	14543		2004	
5.	9905091	3-2-2012	मीर स्टील रोलिंग मिल्स, इण्डस्ट्रीयल ग्रोथ सैन्टर, लस्सीपोरा, पुलवामा, जिला जम्मू (जे. के.)	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य की विरूपित इस्पात छड़े तारें	1786		20X	
6.	9905903	29-12-2011	गर्ग मशीन टूल्स, डी 64/65ए फोकल प्लाइंट, फतेहगढ़ साहिब, मण्डीगोबिन्दगढ़ (पंजाब)- 147301	घरेलू प्रैशर कुकर	2347		2006	
7.	9906194	26-12-2011	बी आर एग्रोटेक लिमिटेड, इण्डस्ट्रीयल एरिया, सिडको, कथुआ, जम्मू एवं कश्मीर (जे. के.) - 184101	डेल्टामैथरिन	14411		1996	
8.	9908909	20-01-2012	यूरो इंडिया बेवरेजीस, चौक किशनपुरा जालन्धर सिटी (नार्थ) जिला जालन्धर (पंजाब)	पैकेजबंद पेयजल (प्राकृतिक मिनरल जल के अलावा)	14543		2004	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
9.	9909204	20-01-2012	निधि पाइप लिमिटेड, गाँव भांखरपुर, तहसील डेराबस्सी, एस ए एस नगर (मोहाली) (पंजाब)- 141102	जल, गैस और मलजल के लिए बिजली से बेल्डिंग इस्पात के पाइप	3589			2001
10.	9910690	25-01-2012	जोगिन्द्रा कास्टिंग प्रा. लिमिटेड, जो टी रोड, सरहिन्द साईड, पी ओ मण्डीगोबिन्दगढ़, जिला फतेहगढ़ साहिब (पंजाब)	कार्बन इस्पात के बिलेट	2830			1992
11.	9913191	02-02-2012	निधि पाइप्स, गाँव भांखरपुर, तहसील डेराबस्सी, जिला एस ए एस नगर मोहाली, (पंजाब)	पानी के कुर्एं के लिए स्टील ट्यूब	4270			2001
12.	9913292	03-02-2012	के एन के कैमीकल्स, आई जी सी, फेज-1, साम्बा, जिला जम्मू-184121 (जे. के.)	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य की विरूपित इस्पात छड़े और तारें	1786			2008
13.	9913801	03-02-2012	श्री साई मिनरल कारपोरेशन, गाँव व डाकघर मेहलां, तहसील सुनाम, जिला संगरूर (पंजाब)	पैकेजबंद पेयजल (प्राकृतिक मिनरल जल के अलावा)	14543			2004

[सं. सी एम डी/13:11]
पी. के. मुखोपाध्याय, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 10th May, 2012

S.O. 1763.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	9898932	24-11-2011	M/s Novel Products K-83, Industrial Growth Centre, Mansa Road, Bathinda Distt : Bathinda Punjab	Packaged Drinking Water	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
2.	9899631	02-12-2011	M/s. R. G. Industries Backside Focal Point Extension, Village Fazal Pur, Near Randhawan Masandan, Distt : Jalandhar Punjab	Cast iron specials for asbestos cement pressure pipes for water, gas and sewage	5531	-	-	1998
3.	9904190	26-12-2011	M/s. Rahul Enterprises N.H. 95, Ferozepur Moga Road Opp. Radha Swami Dera, VPO Lalley, Ferozepur, Distt : Ferozepur Punjab- 142050	Compounded Feeds for Cattle	2052	-	-	1997
4.	9904291	27-12-2011	M/s. Franklin Waters. Village Fatehpur, P.O. & Teh Samana, Distt : Patiala Punjab-147101	Packaged Drinking Water	14543	-	-	2004
5.	9905091	03-12-2012	M/s. MIR Steel Rolling Mills, Industrial Growth Centre, Lassipora, Pulwama Distt : Jammu J. K.	High strength deformed steel bars and wires for concrete reinforcement	1786	-	-	2008
6.	9905903	29-12-2011	M/s. Garg Machine Tools D-64/65, Focal Point, Mandigobindgarh Distt : Fatehgarh Sahib Punjab- 147301	Domestic Pressure Cookers	2347	-	-	2006
7.	9906194	26-12-2011	M/s. B. R. Agrotech Ltd. Industrial Area, SIDCO, Kathua Distt : Jammu and Kashmir JK-184101	Deltamethrin	14411	-	-	1996
8.	9908909	20-01-2012	M/s. Euro India Beverages Chowk Kishanpura, Jalandhar City (North) Distt : Jalandhar, Punjab	Packaged Drinking Water	14543	-	-	2004
9.	9909204	20-01-2012	M/s. Nidhi Pipes Limited Vill Bhankarpur Tehsil Derabassi, Derabassi Distt : S A S Nagar (Mohali) Punjab-141102	Steel Pipes for Water and Sewage	3589	-	-	2001
10.	9910690	25-01-2012	M/s. Jogindra Castings Private Limited G. T. Road, Sirhind Side, P. O. Mandi Gobindgarh, Mandi Gobindgarh, Distt : Fatehgarh Sahib Punjab	Carbon steel cast billet ingots	2830	-	-	1992

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
11.	9913191	02-02-2012	M/s. Nidhi Pipes Village Bhankarpur, Tehsil Derabassi Distt : S A S Nagar (Mohali) Punjab	Steel Tubes Used for Water Wells	4270	-	-	2001
12.	9913292	03-02-2012	M/s. KNK Chemicals IGC, Phase-I, Samba Distt : Jammu JK-184121	High strength deformed steel bars and wires for concrete reinforcement	1786	-	-	2008
12.	9913801	03-02-2012	M/s. Shri Sai Mineral Corporation V & P. O. Mehlam Tehsil Sunam Distt : Sangrur Punjab	Packaged Drinking Water	14543	-	-	2004

[No. CMD/13:11]

P. K. MUKHOPADHYAY, Scientist-'F' & Head

नई दिल्ली, 10 मई, 2012

का.आ. 1764.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उपविनियम (6) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :-

अनुसूची

क्र. सं.	लाइसेंस संख्या सीएल/एम	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि (5)
(1)	(2)	(3)	(4)	(5)
1.	9773407	मिक्रोन आटोस लिमिटेड, डी.47, फोकल प्लाइंट, इण्डस्ट्रीयल एरिया, डेराबस्सी जिला एस ए एस नगर (मोहाली) (पंजाब)	घरेलू प्रैशर कुकर	5-12-2011

[सं. सी एम डी/13:13]

पी. के. मुखोपाध्याय, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 10th May, 2012

S.O. 1764.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licence No. CM/L	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled/suspension	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	9773407	M/s Mikkron Autos Limited D-47, Focal Point, Industrial Area, Dera Bassi Distt: S A S Nagar (Mohali) Punjab	Domestic Pressure Cookers	5-12-2011

[No. CMD/13:13]

P. K. MUKHOPADHYAY, Scientist 'F' & Head

नई दिल्ली, 10 मई, 2012

का.आ. 1765.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15950: 2012/आई एस ओ 14181: 2000 पशु आहार सामग्री-ओरगेनोक्लोरीन कोटनाशी अवशिष्ट ज्ञात करना-गैस क्रोमेटोग्राफिक पद्धति	-	30 अप्रैल 2012
2.	आई एस 15951: 2012/आई एस ओ 14182: 1999 पशु आहार सामग्री-ओरगेनोफास्फोरस कीटनाशी अवशिष्ट ज्ञात करना-गैस क्रोमेटोग्राफिक पद्धति	-	30 अप्रैल 2012
3.	आई एस 15952: 2012/आई एस ओ 14797: 1999 पशु आहार सामग्री-फुराजोलिडोन की मात्रा का निर्धारण-उच्च-दक्षता द्रव क्रोमेटोग्राफी पद्धति	-	30 अप्रैल 2012

इन भारतीय मानक(कों) की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्ण तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एफएडी/जी-128]

डॉ. आर. के. बजाज, वैज्ञानिक 'एफ' एवं प्रमुख (खाद्य एवं कृषि)

New Delhi, the 10th May, 2012

S. O. 1765.—In pursuance of Clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been established on the date indicated against it :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15950: 2012/ISO 14181: 2000 Animal feeding stuffs - Determination of residues of organochlorine pesticides-Gas Chromatographic Method	-	30 April 2012
2.	IS 15951: 2012/ISO 14182: 1999 Animal feeding stuffs - Determination of residues of organophosphorus pesticides-Gas Chromatographic Method	-	30 April 2012

(1)	(2)	(3)	(4)
3.	IS 15952:2012/ISO 14797: 1999 Animal feeding stuffs - Determination of furazolidone content - Method using high-performance liquid Chromatographic	-	30 April 2012

Copies of the standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: FAD/G-128]

Dr. R. K. BAJAJ, Scientist 'F' and Head (Food & Agri.)

नई दिल्ली, 11 मई, 2012

का.आ. 1766.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गये हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शोषक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
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(1)	(2)	(3)	(4)
1.	आई एस/आई एस ओ 14020: 2000 पर्यावरण लेबल और घोषणाएं - सामान्य सिद्धांत (पहला पुनरीक्षण)	-	1 अप्रैल 2011

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं। भारतीय मानकों को <http://www.standardsbis.in> द्वारा इंटरनेट पर खरीदा जा सकता है।

[संदर्भ : सीएचडी 34/आईएस/आईएसओ 14020.]

ई. देवेन्द्र, वैज्ञानिक 'जी' एवं प्रमुख (रसायन)

New Delhi, the 11th May, 2012

S.O. 1766.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standard Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS/ISO 14020:2000 Environmental labels and declarations - General Principles (first revision)	-	1 April 2011

Copy of this standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram. On line purchase of Indian standard can be made at :<http://www.standardsbis.in>.

[Ref: CHD 34/IS/ISO 14020]
E. DEVENDAR, Scientist 'G' and Head (Chemical)

नई दिल्ली, 14 मई, 2012

का.आ. 1767.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतदहारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय नामक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 11715 (भाग 2): 2012/ आई एस ओ 3353-2: 2002 वायुयान - लीड एवं रनआउट चूड़ियां भाग 2 आंतरिक चूड़ियां (पहला पुनरीक्षण)	-	30 अप्रैल 2012
2.	आई एस 10494 (भाग 1): 2012/ आई एस ओ 6966-1: 2005 वायुयान - ग्राउंड उपस्कर- आधारभूत अपेक्षाएं भाग 1 सामान्य डिजाइन अपेक्षाएं (पहला पुनरीक्षण)	-	30 अप्रैल 2012
3.	आई एस 9067 : 2012/ आई एस ओ 15516 : 2006 पोत एवं समुद्री प्रौद्योगिकी- डाकिट - लॉन्च किए गए लाइफबोट्स के लिए लौंचिंग साधित्र (दूसरा पुनरीक्षण)	-	30 अप्रैल 2012

इस भारतीय मानक की प्रतिवर्याँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में विक्री हेतु उपलब्ध हैं :

[संदर्भ : टी ई डी/जी-16]
टी. वी. सिंह, वैज्ञानिक 'एफ' एवं प्रमुख (टी ई डी)

New Delhi, the 14th May, 2012

S. O. 1767.—In pursuance of Clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. Year and title of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 11715 (Part 2) : 2012 /ISO 3353-2 : 2002 Aerospace - Lead and runout threads Part 2 Internal threads (First Revision)	-	30 April 2012
2.	IS 10494 (Part 1) : 2012 /ISO 6966-1 : 2005 Aircraft ground equipment - Basic requirements Part 1 General design requirements (First Revision)	-	30 April 2012
3.	IS 9067 : 2012/ISO 15516: 2006 Ships and marine technology- Launching appliances for davit-launched lifeboats (Second Revision)	-	30 April 2012

Copy of this standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: TED/G-16]

T. V. SINGH, Scientist 'F' and Head (Transport Engg.)

नई दिल्ली, 14 मई, 2012

का.आ. 1768.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक के संशोधन का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या, वर्ष और शीर्षक	संशोधन संख्या और वर्ष	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 14332: 1996 तंबाकू और तंबाकू उत्पाद - हुक्के का तंबाकू पेस्ट - विशिष्टि	संशोधन संख्या 2 वर्ष 2012	30 अप्रैल 2012

इस भारतीय मानक के संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चेन्नई, मुम्बई, चण्डीगढ़, तथा शाखा कार्यालयों : अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एफएडी/जी-128]

डॉ. आर. के. बजाज, वैज्ञानिक 'एफ' एवं प्रमुख (खाद्य एवं कृषि)

New Delhi, the 14th May, 2012

S. O. 1768.—In pursuance of Clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been established on the date indicated against it :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards	No. and Year of the Amendment	Date of which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 14332 : 1996 Tobacco and tobacco products - Hookah tobacco paste— Specification	Amendment No.-2 year-2012	30 April 2012

Copy of this amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: FAD/G-128]

Dr. R. K. BAJAJ, Scientist 'F' and Head (Food & Agri.)

नई दिल्ली, 17 मई, 2012

का.आ. 1769.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि, वर्ष/माह	लाइसेंसधारी का नाम व पता:	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3740257	7-7-2011	मैसर्स आर्मिया इंडस्ट्रीज, प्लाट नंबर 21, सोहम इंडस्ट्रियल एस्टेट, बी/एस नंबर 8, फोस्ट कामरेज, सूरत-394185	पैकेजिंग ऐयल (अदर दैन पैकेजिंग नेचुरल मिनरल वाटर)	14543	—	—	2004
2.	3740863	8-7-2011	मैसर्स ओरोम्बिका इंजिनियरिंग कम्पनी प्रा. लिमिटेड, एफ एच हाउस, न्यू मार्केट यार्ड के सामने, विसनगर, उत्तर मेहसाना- 384315	सेफ डिपोज़िट लॉकर कोबिनेट	5244	—	—	1991
3.	3740964	11-7-2011	मैसर्स गली इंजिन लिमिटेड, एक्स्प्ल एस्टेट, वाशीयर, वलसाद-396001	पावर ओपरेटिंग न्यूमैटिक स्परेयर कम डस्टर पार्ट । नैपसैक टाईप	7593	1	—	1986

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
4.	3741360	11-7-2011	मैसर्स सागर एंटरप्राइज, फादर कंपाउंड, जनपथ पेट्रोल के पास, कलोल, गांधीनगर-382 721	पैकेजबंद पेयजल (अदरदैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
5.	3743162	13-7-2011	मैसर्स शिवम टैक्सटाईल तथा पूर्फिंग इंडस्ट्रीज, 4701, जी आई डी सी (प्लास्टिक जोन) सारिगाम, ता अंवरांव, वलसाद-396 155	कामन प्रुफड केनवस/ 2089 डक तथा पोलिनस (तारपोलिंस)	—	—	—	1977
6.	3743465	18-7-2011	मैसर्स रतनाम लैमिनेट्स प्रा. लिमिटेड, डैकोरेटिव थर्मोसैटिंग सर्वे नंबर 116/बी, । गाँव सांपा, गांधीनगर, देहगाम	सिनथेटिक रेसिन बांडल लैमिनेटिड शीट्स	2046	—	—	1995
7.	3743667	19-7-2011	मैसर्स नीसा एग्रीटैक तथा फुइस लिमिटेड, यूनिट 4, केयर आफ द कैम्पबे ग्रांड फाइनल प्लाट नंबर 8, टी पी एस नंबर 2, धलतेज, अहमदाबाद-380 054	पैकेजबंद पेयजल (अदरदैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
8.	3745570	20-7-2011	मैसर्स गंगा हैल्थकेयर, 573 व 563 प्लाट बाजार, राईस मिल के पास, गाँव संतरामपुर, पंचमहल-389260	पैकेजबंद पेयजल (अदरदैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
9.	3745772	21-7-2011	मैसर्स यथार्थ एक्वा, बी-5/1, जावेरी इंडस्ट्रियल एस्टेट, श्याम विला सोसाइटी, सिंगारवा, काठवाडा रोड, काठवाडा, अहमदाबाद	पैकेजबंद पेयजल (अदरदैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
10.	3744366	21-7-2011	मैसर्स रिद्धी स्टील तथा ट्यूब प्रा. लिमिटेड, 83/84/85, गाँव कामोड, दिपलाज, पिराना रोड, अहमदाबाद-382 427	हालो स्टील सैक्षण फार स्टक्चरल यूस	4923	—	—	1977
11.	3744467	21-7-2011	मैसर्स क्राउन इंडस्ट्रीज, प्लाट नंबर 6, टारेंट पावर, सब स्टेशन, टारेंट पावर सब स्टेशन के सामने, शाहवाड़ी बस स्टाप के पीछे, नारोल, अहमदाबाद-382405	कांडयूट्स फार इलैक्ट्रिकल इंस्टालेशन	9537	3	—	1983

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
12.	3744669	22-7-2011	मैसर्स जी ए इंडस्ट्रीज लिमिटेड, प्लाट नंबर 1ए, ब्लाक नंबर 199 ए, गांव ओलवा, पालसाना, ता सूरत	पैकेजबंद पेयजल (अदरदैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
13.	3744770	22-7-2011	मैसर्स जे जैवलरी, चोकसी बाजार, स्टेशन रोड, मेहसाना-384 001	स्वर्ण तथा स्वर्ण धातुओं 1417 के आभूषणों/शिल्पकारी— शुद्धता एवं मुहरांकन	—	—	—	1999
14.	3744871	22-7-2011	मैसर्स जयेशकुमार बबलदास चोकसी, स्वर्ण तथा स्वर्ण धातुओं 1417 जी-25-26, शेर सांकाभाई मार्केट, स्टेशन रोड, मेहसाना, (उत्तर गुजरात)-384 001	के आभूषणों/शिल्पकारी— शुद्धता एवं मुहरांकन	—	—	—	1999
15.	3745368	22-7-2011	मैसर्स हैल्डी पूँड तथा बिवरेज, विष्णु राईस मिल के पास, नाज पिराना रोड, जेतलपुर गांव, ता दसकराय, अहमदाबाद-382 426	पैकेजबंद पेयजल (अदरदैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
16.	3745469	22-7-2011	मैसर्स रोटोमोटिव पावरइंडस्ट्रीज इंडिया लिमिटेड, प्लाट नंबर 2102/4, जी आई डी सी, विठ्ठल उद्योगनगर, आनंद-388 121	फलेमधुफ एनकलोसर्स 2148 फार इलैक्ट्रिकल एपरेटस	—	—	—	2004
17.	3745671	25-7-2011	मैसर्स जोश इंडस्ट्रीज, प्लाट नंबर 26, जी आई डी सी दाभोई, बडोदरा-391 110	ओटोमोटिव विहीकल्स 13098 ट्रूबस फार न्यूमैटिक टायर	—	—	—	1991
18.	3747372	29-7-2011	मैसर्स बालाजी एंटरप्राइस, पावर हाउस के पास, भुरावाव रोड, पंचमहल, गोधरा-389 001	पैकेजबंद पेयजल (अदरदैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
19.	3747776	29-7-2011	मैसर्स शांकुस बाओ साईसिस प्रा. लि. लिमिटेड, सर्वे नंबर 747, इनडराड, रत्नामणि के पास, होटल पुरोहित के पीछे, मेहसाना अहमदाबाद रोड, ता कलोल-382 715	मिनरल मिक्सचर फार सपलामैटिंग केटल फोड्स	1664	—	—	2002
20.	3748980	29-7-2011	मैसर्स केटलैक्स एंटरप्राइसिस प्रा. लि., ब्लाक नंबर 117-119, सांतेज बडसर रोड, सांतेज, ता. कलोल, गांधीनगर-382 721	इलैक्ट्रिकल एपरेटस फार एक्सपलोसिव गैस एटमोंसफेयर इनट्रोनसिक सेफटी “आई”	5780	—	—	2002

[सं. सीएमडी/13:11
टी. बी. नारायणन, वैश्वानिक-‘एफ’ एवं प्रमुख

New Delhi, the 17th May, 2012

S.O. 1769.—In pursuance of sub-regulation (5) of the Regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3740257	7-7-2011	Atmiya Industries, Plot No. 21, Soham Industrial Estate, B/S, Navagam Udyognagar, N.H. No. 8 Post Kamrej, Surat-394 185	Packaged Drinking Water (Other than packaged natural mineral water)	14543	-	-	2004
2.	3740863	8-7-2011	Aurombica Engineering Co. Pvt. Ltd., F.H. House, Opp New Market Yard, Visnagar North Mahesana, Visnagar-384 315	Safe deposit locker cabinets	5244	-	-	1991
3.	3740964	11-7-2011	Ralli Engine Limited Excel Estate Vashier, Valsad-396 001	Power-operated pneumatic sprayer- cum-duster part I: knapsack type	7593	1	-	1986
4.	3741360	11-7-2011	M/s. Sagar Enterprise Father Compound, Near Janpath Petrol, Kalol Gandhinagar- 382 721	Packaged Drinking Water (Other than packaged natural mineral water)	14543	-	-	2004
5.	3743162	13-7-2011	M/s. Shivam Textiles and Proofing Industries 4701, GIDC (Plastic Zone) Sarigam Tal : Umbergaon, Valsad-396155	Common proofed canvas/duck and paulins (tarpaulins)	2089	-	-	1977
6.	3743465	18-7-2011	M/s. Ratnam Laminates Pvt. Ltd., Survey No. 116/B, 1 Village : Sampa, Gandhinagar Dehgam	Decorative thermosetting synthetic resin bonded laminated sheets	2046	-	-	1995
7.	3743667	19-7-2011	M/s. Neesa Agritech and Foods Limited, Unit 4, C/o The Cambay Grand Final, Plot No. 8, T.P.S. No. 2, Thaltej Ahmedabad-380 054	Packaged Drinking Water (Other than packaged natural mineral water)	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	3745570	20-7-2011	M/s. Ganga Health Care 573 and 563 Plot Bazar, Near Rice Mill Village : Santrampur, Tal : Santrampur, Panchmahal-389260	Packaged Drinking Water (Other than packaged natural mineral water)	14543	-	-	2004
9.	3745772	21-7-2011	M/s. Yatharth Aqua B-5/1, Zaveri Industrial Estate, Opp. Shyam Villa Society, Singarwa, Kathwada Road, Kathwada Ahmedabad	Packaged Drinking Water (Other than packaged natural mineral water)	14543	-	-	2004
10.	3744366	21-7-2011	M/s. Riddhi Steel and Tube Pvt. Ltd., 83/84/85, Vill. Kamod, Piplaj Pirana Road, Ahmedabad-382427	Hollow Steel Sections for structural use	4923	-	-	1977
11.	3744467	21-7-2011	M/s. Crown Industries Plot No. 6, Opp. Torrent Power Sub-station, B/H Shahwadi Bus Stop, Narol, Ahmedabad-382405	Conduits for electrical installations	9537	3	-	1983
12.	3744669	22-7-2011	M/s. G.A. Insustries Ltd. Plot No. 1A, Block No. 199 A, Village Jolva, Palsana Taluka, Surat	Packaged Drinking Water (Other than packaged natural mineral water)	14543	-	-	2004
13.	3744770	22-7-2011	M/s. Jay Jewellery Choksi Bazar, Station Road, Mehsana 384001	Gold and gold alloys, Jewellery/ artefacts—fineness and marking	1417	-	-	1999
14.	3744871	22-7-2011	M/s. Jayeshkumar Babaldas Choksi G-25-26, Sheth Sankabhai Market, Station Road, Mehsana (N.G) 384001	Gold and gold alloys, Jewellery/ artefacts—fineness and marking	1417	-	-	1999
15.	3745368	22-7-2011	M/s. Healthy Food and Beverages Near Vishnu Rice Mill, Naz Pirana Road, Jetalpur Village, Tal : Dascroi, Ahmedabad-382426	Packaged Drinking Water (Other than packaged natural mineral water)	14543	-	-	2004
16.	3745469	22-7-2011	M/s. Rotomotive Powerdrives India Limited, Plot No. 2102/4, G.I.D.C., Vitthal Udyog Nagar, Near Anand-388121	Flameproof enclosures for electrical apparatus	2148	-	-	2004
17.	3745671	25-7-2001	M/s. Josh Industries Plot No. 26, GIDC Dabhoi, Vadodara, 391110	Automotive vehicles- tubes for pneumatic tyres—	13098	-	-	1991

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
18.	3747372	29-7-2011	M/s. Balaji Enterprise Near Power House, Bhuravav Road Panchamahal Godhra-389001	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
19.	3747776	29-7-2011	M/s. Shankus Bio-Sciences Pvt. Ltd. Survey No. 747, Indrad, Near Ratnamani, Behind Hotel Purohit Mehsana-Ahmedabad Road, Tal-Kadi-382715	Mineral mixtures for supplementing cattle feeds-	1664	-	-	2002
20.	3748980	29-7-2011	Katlax Enterprises Pvt. Ltd. Block No. 117-119, Santej Vadsar Road, Santej Tal Kalol Gandhinagar Santej-382721	Electrical apparatus explosive gas atmospheres-intrinsic safety "i"-	5780	-	-	2002

[No. CMD/13:11]

T. B. NARAYANAN, Scientist-'F' & Head

नई दिल्ली, 17 मई, 2012

का.आ. 1770.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्र. सं.	लाइसेंस संख्या सीएम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	7598506	मैसर्स राधिका ज्वैलर्स, जैन पाठशाला के सामने, स्टेशन रोड, डि महसाना-384001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन आई एस 1417 : 1999	19-7-2011

[सं. सोएमडी/13:13]

टी. बी. नारायणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th May, 2012

S.O.1770.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licence No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	7598506	M/s. Radhika Jewellers Opposite Jain Pathshala, Station Road, Distt. : Mahesana-384001	Gold and Gold alloys, jewellery/ artefacts-fineness and marking- IS 1417 : 1999	19-7-2011

[No. CMD/13:13]

T. B. NARAYANAN, Scientist 'F' & Head

नई दिल्ली, 17 मई, 2012

का.आ. 1771.—भारतीय मानक ब्यूरो (प्रमाणन) नियम, 1988 के नियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एवं दूसरा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं	लाइसेंस संख्या	स्वीकृत करने की तिथि, वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3749174	9-8-2011	मैसर्स ए सी एस बिवरेज, सर्वे नंबर 24/15, करेमबैली स्टेशन रोड, मोहन फतक के पास, बालबाड़ा, बलसाद-396105	पैकेजबंद पेयजल (अदरदैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
2.	3750260	10-8-2011	मैसर्स शिव रत्ना इंडस्ट्रीज, मेघवी टिक्कस मार्केट, 66 के बी सब-स्टेशन के पास, एट कमला, पोस्ट दबहन, खेड़ा, नवीनियाड-387320	ब्लाक बोर्ड	1659	—	—	2004
3.	3751666	10-8-2011	मैसर्स अश्विन पोलिमर्स, 12/ए, साकेत इंडस्ट्रियल एस्टेट, गांव मोरैया, सानन्द अहमदाबाद, चांगोदर	कांडफूट्स फार इलैक्ट्रिकल 9537 इस्टालेशन	3	—	—	1983
4.	3749477	11-8-2011	मैसर्स राजेश्वरी ज्वैलर्स, बी/जी, सरदार पार्क-II, जी आई डी सी, अंकलेश्वर-393002	स्वर्ण तथा स्वर्ण धातुओं 1417 के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	—	—	—	1999
5.	3749578	11-8-2011	मैसर्स श्री रंगोडराय ज्वैलर्स, विठल मर्दिर के पास, चोकसी बाजार, वडोदरा दापोई-390001	स्वर्ण तथा स्वर्ण धातुओं 1417 के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	—	—	—	1999
6.	3749679	11-8-2011	मैसर्स अवी इंडस्ट्रीज, प्लाट नंबर 258, जी आई डी सी, वडोदरा, वाधोडिया-391760	ओटोमोटिव विहीकलस 13098 ट्रॉबस चफार न्यूमैटिक टायर	—	—	—	1991
7.	3752204	11-8-2011	मैसर्स देवीदयाल (सेल्स) लिमिटेड, 50/ए, जी आई डी सी, इंडस्ट्रियल एस्टेट, डौरोल कलोल, डि पंचमहल-389330	पेस्टीसाईड-पैडीमैथलीन 12751 ई सी-	—	—	—	1989

(I)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	3750462	12-8-2011	मैसर्स ठाकोर दास पारेख तथा सन्स बाजार स्ट्रीट, चिंचली, नवसारी गुजरात-396521	स्वर्ण तथा स्वर्ण धातुओं 1417 के आभूषणों शिल्पकारी-शुद्धता एवं मुहरांकन	-	-	1999	
9.	3750361	16-8-2011	मैसर्स मैथिल रबर प्रोडक्ट्स प्रा. लिमिटेड, प्लाट नंबर 7501, कर्मातुर चोकडी के पास, जो आई डी सी एसटेट, अंकलेश्वर, भारुच-393002	ओटोमोटिव विहीकलस 13098 ट्यूबस फार न्यूमैटिक टायर	-	-	1991	
10.	3751262	17-8-2011	मैसर्स डिलाइट पम्प, 40, तिरुपति एसटेट, अंबर सिनेमा के पास, बापूनगर, अहमदाबाद-380024	पम्प-रिजैनरेटिव या 8472 क्लीयर, कोल्ड वाटर-	-	-	1998	
11.	3751565	17-8-2011	मैसर्स गिरीराज प्लाई एन बोर्ड इंडस्ट्रीज लिमिटेड, सर्वे नंबर 183/10 एवं 183/7, एट पोस्ट वावडीबजरेग, दाहोद गोधरा रोड, पंचमहल गोधरा-389001	ब्लाक बोर्ड 1659	-	-	2004	
12.	3751767	17-8-2011	मैसर्स श्री गिरीराज प्लाई एन बोर्ड इंडस्ट्रीज लिमिटेड, सर्वे नंबर 183/10 एवं 183/7, एट पोस्ट वावडीबजरेग, दाहोद गोधरा रोड, पंचमहल गोधरा-389001	बुड फलशा डोर शाटर 2202 (सालिड कोर टाईप) पार्ट 1 प्लाईबुड फेस पैनल	1	-	1999	
13.	3750159	17-8-2011	मैसर्स यूनिटी रबर इंडस्ट्रीज, प्लाट नंबर 4/114, गांव खाराची, (भीलवाड़ा), ता. झागाड़िया, भारुच, अंकेश्वर-393001	ओटोमोटिव विहीकलस 13098 ट्यूबस फार न्यूमैटिक टायर	-	-	1991	
14.	3753266	24-8-2011	मैसर्स श्रद्धा ज्वैलर्स, शॉप नंबर 5, आकार शॉपिंग सेंटर, प्लाट नंबर 30, भाईचंदनगर, कटटरगाम रोड, कटटरगाम, सूरत-395004	स्वर्ण तथा स्वर्ण धातुओं 1417 के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	-	-	1999	
15.	3753872	24-8-2011	मैसर्स शिव रत्ना इंडस्ट्रीज, मेघवी टिम्बर्स मार्केट, 66 के बी सब स्टेशन के पास, एट कमला, पोस्ट दबहन, खेड़ा, नडियाड-387320	प्लाईबुड फार जनरल 303 परपज	-	-	1989	
16.	3754074	24-8-2011	मैसर्स जेपी वानेकबोरी सिमेंट ग्रांडिंग यूनिट, वानेकबोरी थर्मल पावर स्टेशन के पास, गांव संगोल, पी ओ सोनीपुर, ता. थासारा, खेड़ा-388245	53 ग्रेड आडिनरी 12269 पोर्टलैंड सिमेंट	-	-	1987	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
17.	37454276	25-8-2011	मैसर्स प्रगति विवरेज इंडस्ट्रीज, स्टेशन रोड, छोटा उदयपुर, वडोदरा-391165	पैकेजिंग ऐवल (अदाने पैकेजिंग नेचुरल मिनरल वाटर)	14543	-	-	2004

[सं. सीएमटी/13:11]
टी. बी. नारायण, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th May, 2012

S.O. 1771.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3749174	9-8-2011	M/s ACS Beverages, Survey No: 24/15, Karembele Station Road, Near Mohan Fatak, Valvada, Valsad-396105	Packaged drinking water (other than packaged natural mineral)	14543	-	-	2004
2.	3750260	10-8-2011	M/s Shiv Ratna Industries, Meghavi Timbers Market, Near 66 KV Sub Station, at Kamla, Post Dabhan, Kheda Nadiad-387320	Block boards	1659	-	-	2004
3.	3751666	10-8-2011	M/s. Aswin Polymers 12/A, Saket Industrial Estate Village: Moraiya Sanand Ahmadabad, Changodar	Conduits for electrical installations	9537	3	-	1983
4.	3749477	11-8-2011	M/s. Rajeshwari Jewellers B/G-7, Sardar Park-II, GIDC Ankleshwar- 393002	Gold and Gold Alloys, Jewellery/ Artefacts	1417	-	-	1999
5.	3749578	11-8-2011	M/s. Shri Ranchhodrai Jewellers Near Vithal Temple, Choksi Bazar, Vadodara Dabhol 390001	Gold and Gold Alloys, Jewellery/ Artefacts-fineness and marking	1417	-	-	1999
6.	3749679	11-8-2011	M/s. Avi Industries. Plot No. 258, G.I.D.C. Vadodara, Waghodia-391760	Automotive vehicles-tubes for pneumatic tyres-	13098	-	-	1991
7.	3752264	11-8-2011	M/s. Devidayal (Sales) Limited 50/A, G.I.D.C. Industrial Estate, Derol-Kalol Dist. Panchmahal-389330	Pesticides- pendimethalin ec-	12751	-	-	1989

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	3750462	12-8-2011	Thakordas Parkekh and Sons Bazar Street, Chikhli, Navsari, Gujarat-396521	Gold and Gold Alloys, Jewellery/ artefacts	1417	-	-	1999
9.	3750361	16-8-2011	M/s. Maithil Rubber Products Pvt. Ltd., Plot No. 7501, Nr. Karmatur Chokdi GIDC Estate, Ankleshwar, Bharuch-393002	Automotive vehicles-tubes for pneumatic tyres-	13098	-	-	1991
10.	3751262	17-8-2011	M/s. Delite Pumps 40, Tirupati Estate, Near Amber Cinema, Bapunagar, Ahmedabad-380024	Pumps-regenerative or clear, cold water-	8472	-	-	1998
11.	3751565	17-8-2011	M/s. Shri Giriraj Ply-N Board Industries Ltd., Survey No.-183/10 & 183/7, at Post Vavdibuzerg, Dahod-Godhra Road, Panchmahal Godra-389001	Block boards	1659	-	-	2004
12.	3751767	17-8-2011	M/s. Shri Giriraj Ply-N Board Industries Ltd., Survey No.-183/10 & 183/7, at Post Vavdibuzerg, Dahod-Godhra Road, Panchmahal Godra-389001	Wooden flush door shutters (solid core type); part 1 plywood face panels	2202	1	-	1999
13.	3750159	17-8-2011	M/s. Unity Rubber Industries Plot No. 4/114, Village Kharachi (Bhilwada), Taluka Jhagadia, Bharuch, Ankleshwar-393001	Automotive vehicles-tubes for pneumatic tyres-	13098	-	-	1991
14.	3753266	24-8-2011	M/s. Shraddha Jewellers Shop No. 5, Akar Shopping Center, Plot No. 30, Bhaichandnagar, Katargam Road, Katargam, Surat-395004	Gold and Gold Alloys, Jewellery/ artefacts-fineness and marking	1417	-	-	1999
15.	3753872	24-8-2011	M/s. Shiv Ratna Industries, Meghavi Timber Market, Near 66KV Sub Station At : Kamla P.O. Dabhan, Kheda Nadiad-387320	Plywood for general purposes	303	-	-	1989
16.	3754074	24-8-2011	M/s. Jaypee Wanakbori Cement Grinding Unit Near Wanakbori Thermal Power Station, Village : Sangol P.O. Sonipur, TA : Thasarqa Kheda-388245	53 grade ordinary portland cement	12269	-	-	1987
17.	3754276	25-8-2011	M/s Pragati Beverages Industries Station Road, Chhota Udaypur, Vadodara Chhota Udaypur-391165	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004

[No. CMD/13:11]

T. B. NARAYANAN, Scientist 'F' & Head

नई दिल्ली, 17 मई, 2012

का.आ.1772.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्र. सं.	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि (5)
(1)	(2)	(3)	(4)	(5)
1.	7512668	मैसर्स जे मैच इंडस्ट्रीज, 6/2, जीआईडीसी, अनूप इंजिनियरिंग गली, सीएमसी इंडिया लिमिटेड के सामने, ओढव, अहमदाबाद-382415	स्वीचिस फार डोमेस्टिक तथा सिमिलर परपस आई एस 3854 : 1997	12-8-2011
2.	0639455	मैसर्स आर एम इंजिनियरिंग वर्क्स (ए डिविजन ऑफ रोहित मिल लिमिटेड), 4, जी आई डी सी एस्टेट, वटवा, अहमदाबाद-382445	मालेबल कास्ट आयरन पाइप फिटिंग्स आई एस 1879 : 1987	24-8-2011

[सं. सीएमडी/13:13]
टी. बी. नारायणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th May, 2012

S.O. 1772.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licence No. CM/L	Name and Address of the Licensee (3)	Article/Process with relevant Indian Standards covered by the licence cancelled (4)	Date of Cancellation (5)
(1)	(2)	(3)	(4)	(5)
1.	7512668	M/s. J-Match Industries 6/2, GIDC, Anup Engg. Gali, Opp C M C India Ltd., Odhav Road, Ahmedabad-382415	Switches for domestic and similar purposes IS 3854 : 1997	12-8-2011
2.	0639455	M/s. R M. Engineering Works (A Division of Rohit Mills Ltd.) 4, GIDC Estate, Vatva, Ahmedabad-382445	Malleable cast iron pipe fittings IS 1879 : 1987	24-8-2011

[No. CMD/13:13]

T. B. NARAYANAN, Scientist 'F' & Head

नई दिल्ली, 17 मई, 2012

का.आ. 1773.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उप-नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम एवं पता	भारतीय मानक का शीर्षक	भा. मा. संख्या	भाग	अनु.	वर्ष
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3755876	5-9-2011	मैसर्स बालूभाई ब्रिजभुखनदास चौकसी, मोटा बाजार, नवसारी-396445	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
2.	3755977	6-9-2011	मैसर्स शांताबेन स्वर्ण आभूषण प्रा. लिमिटेड, बी/82 ग्रांड फ्लॉर पारस सोसाइटी, कट्टरगाम रोड, सूरत-395004	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
3.	3756070	6-9-2011	मैसर्स ब्रजलाल लालजीभाई तथा सन्स, एच नंबर 3/335 नवापुरा पारसी स्ट्रीट, चौकसी बाजार, सूरत	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
4.	3756171	6-9-2011	मैसर्स अपूर्वा विनमय प्रा. लि. पी ओ दिविजय नगर, रानीप, अहमदाबाद-382470	एसबैस्टोज सिमेंट पाईप एण्ड फिटिंग फार सिवरेज तथा ड्रेनेज	6908	—	—	1991
5.	3756272	7-9-2011	मैसर्स पापुलर पम्प इंडस्ट्रीज, प्लाट नंबर 5, भाई जी भाई इंडस्ट्रियल एस्टेट, अनिल स्टार्च रोड, नरोडा रोड, अहमदाबाद-380025	सबर्मर्सिबल पम्पसैट	8034	—	—	2002
6.	3756979	7-9-2011	मैसर्स मार्क इंडस्ट्रीज, प्लाट नंबर 78/3, इंडस्ट्रियल एस्टेट, फेस 1, जी आई डी सी वाटर टैक के पास, वटवा, अहमदाबाद-382445	केबल ट्रॉकिंग तथा डकिंग 14927 सिस्टम फार इलैक्ट्रिकल इंस्टालेशन	2	—	—	2001
7.	3756777	8-9-2011	मैसर्स टाइटेनिक इंडस्ट्रीज, प्लाट नंबर 15/9, जी आई डी सी, दानोई, वडोदरा-391110	आटोमेटिव वहिकल्स ट्रयूब्स फार न्यूमैटिक टायर	13098	—	—	1991
8.	3756878	9-9-2011	मैसर्स शक्ति पालिमर्स, कुकरवाडा, टिटोडन रोड, ता. विजापुर, मेरेसाना-382830	अनप्लास्टिसाइड पीवीसी पाईप्स फार पोटेबल वाटर सप्लाईस	4985	—	—	2(XX)
9.	3757476	13-9-2011	मैसर्स त्रिदेव रबर प्रा. लिमिटेड, प्लाट नंबर 55, माजडा गली, गुप्ता डायरिंग के पीछे, जीआईडीसी, पीपोदरा, गांव पीपोदरा, ता. मंगरोल, सूरत-394185	आटोमेटिव वहिकल्स ट्रयूब्स 13098 फार न्यूमैटिक टायर	—	—	—	1991

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
10.	3757678	13-9-2011	मैसर्स टैक्नो टर्प तथा पालिमर्स प्रा. टैक्सटाईल टारपेलिक्स लिमिटेड प्लाट नंबर 4920/4921, मेड फ्राम हाई डीसीटी प्लास्टिक जोन, जी आई डी सी पोलिथिलीन योवन फैबरिक सारीगाम, बलसार, पिलाड-396155	7903	-	-	-	2005
11.	3758882	14-9-2011	मैसर्स प्रमुख हैल्थ केयर तथा फुड प्रोडक्ट, 199, कृष्ण एस्टेट, राधेश्याम एस्टेट के पीछे, शाल्म होटल के पास, रिंग रोड सर्कल ओढ्य, अहमदाबाद-382415	पैकेजबंद पेयजल (अदर 14543 दैन पैकेज नेचुरल मिनरल वाटर)	-	-	-	2004
12.	3757880	14-9-2011	मैसर्स डिवाइन इंडिया बाय पास रोड, आर टी ओ ऑफिस के पास, एट पारबाड़ा, ता हिम्मतनगर, साबरकांटा-383220	पैकेजबंद पेयजल (अदर 14543 दैन पैकेज नेचुरल मिनरल वाटर)	-	-	-	2004
13.	3757981	15-9-2011	मैसर्स हीरांबा इंडस्ट्रीज लिमिटेड प्लाट नंबर 1503/1, जी आई डी सी एस्टेट, फेस III, बलसार वापी	अल्फासिपरमैथरिन डब्ल्यू पी	15603	-	-	2005
14.	3758983	15-9-2011	मैसर्स निबस बिवरेज, प्लाट नंबर 87 से 91, स्वामीनारायण इंडस्ट्रियल एस्टेट, कडोदरा बारडोली रोड, टाटीथाया, ता पालसाना सूरत-394315	पैकेजबंद पेयजल (अदर 14543 दैन पैकेज नेचुरल मिनरल वाटर)	-	-	-	2004
15.	3757779	15-9-2011	मैसर्स जी के ठक्कर जैकेसर्स, तथा 9/140, बाढ़ी फालिया, खांडवाला स्ट्रीट, भगल सूरत-395003	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
16.	3759278	19-9-2011	मैसर्स धारा एंटरप्राईस भूलाभाई पटेल फार्म, कर्णावती ब्लब के पीछे, माहमधुरा, अहमदाबाद-380052	पैकेजबंद पेयजल (अदर 14543 दैन पैकेज नेचुरल मिनरल वाटर)	-	-	-	2004
17.	3759379	19-9-2011	मैसर्स हानैस्ट मार्केटिंग, 450/बी/1, जी आई डी सी, भकरपुरा, बड़ोदरा-390010	पैकेजबंद पेयजल (अदर 14543 दैन पैकेज नेचुरल मिनरल वाटर)	-	-	-	2004
18.	3759985	19-9-2011	मैसर्स लक्ष्मी इंडस्ट्रीज, 6/6ए, गोतेश्वर एस्टेट, गोटा अहमदाबाद-382481	पी ची सी इंसुलेटिड केबल	694	-	-	1990
19.	3760061	19-9-2011	मैसर्स टैक्सल इंडस्ट्रीज लिमिटेड, प्लाट नंबर 2106, सातेज खटराज रोड, शाह स्टील के पास, गांव सातेज, ता कल्दोल, सातेज-382721	एग्रो टैक्सटाईल हाई डीसीटी पोलिथिलीन (एच डी पी ई) वोकन बैडस फार वर्मीकलचर	15907	-	-	2010

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
20.	3760667	20-9-2011	मैसर्स अरावली इंफ्रापावर लिमिटेड, ब्लाक नंबर 76, सिहोलडी, ता. मातर, खेडा, नडियाड-387380	एल्यूमिनियम कंडक्टर फार 398 ओवरहैड ट्रांसमशिन परपस	2	-	-	1996
21.	3760263	21-9-2011	मैसर्स धार्मिक फूड तथा विवरेज एट पी ओ रानु ता. पादरा, डि बडोदरा-391440	पैकेजबंद पेयजल (अदर 14543 दैन पैकेज्ड नेचुरल मिनरल वाटर)	-	-	-	2004
22.	3760364	22-9-2011	मैसर्स गनेबो इंडिया प्रा. लिमिटेड, प्लाट नंबर, 1302-1306, जी आई डी सी इंडस्ट्रियल एस्टेट, चंपानेर रोड, पंचमहल हलोल-389350	पोर्टेबल फायर एक्सटिंग्विशर मैक्निकल फोम टाईप	10204	-	-	2001
23.	3760465	22-9-2011	मैसर्स गनेबो इंडिया प्रा. लिमिटेड, प्लाट नंबर, 1302-1306, जी आई डी सी इंडस्ट्रियल एस्टेट, चंपानेर रोड, पंचमहल हलोल-389350	पोर्टेबल फायर एक्सटिंग्विशर वाटर टाईप (गैस कार्टेज टाईप)	940	-	-	2003
24.	3760566	22-9-2011	मैसर्स गनेबो इंडिया प्रा. लिमिटेड, प्लाट नंबर, 1302-1306, जी आई डी सी इंडस्ट्रियल एस्टेट, चंपानेर रोड, पंचमहल हलोल-389350	पोर्टेबल फायर एक्सटिंग्विशर ड्राई पाउडर (कार्टेज टाईप)	2171	-	-	1999
25.	3760768	22-9-2011	मैसर्स गुजरात स्पन पाईप फैक्टरी, प्रीकास्ट कांक्रीट पाईप एट तथा पी ओ ढोलकिया, बोडेली, ता. सानखेडा बडोदरा, बोडेली-391135	प्रीकास्ट कांक्रीट पाईप (विद तथा विदाउट रेनिफोर्समैट)	458	-	-	2003
26.	3760869	22-9-2011	मैसर्स आर आर केबल, आर एस नंबर 201, 202/1, 202/2, 203 तथा 327/3, खांडा रोड, वांशोडिया बडोदरा-391760	पीवीसी इंसुलेटिड केबल	694	-	-	1990
27.	3761770	23-9-2011	मैसर्स रुशभ इंडस्ट्रीज, 213/ए/1, भारत एसटेट, सोनेरिया ब्लाक के सामने, जनरल हास्पिटल, रोड, बापूनगर, अहमदाबाद-380024	आटोमोटिव वहिकलस ट्यूबस फार न्यूमैटिक टायर	13098	-	-	1991
28.	3762065	23-9-2011	मैसर्स एरोलेक्स केबल प्रा. लिमिटेड, प्लाट नंबर 5 और 6, महागुजरात इंडस्ट्रियल एस्टेट, मोरैया सरखेज बावला हाइवे, अहमदाबाद-382213	पीवीसी इंसुलेटिड केबल	694	-	-	1990

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
29.	3763673	23-9-2011	मैसर्स सिंग तथा कप्पनीस, प्लाट नंबर 3602, फेस 4, जी आई डी सी, बापी वलसाद-396195	इमस, लार्ज फिक्सड एंडस, पार्ट 2 ग्रेड बी इमस	1783	2	-	1983

[सं. सीएमडी/13 : 11]
टी. बी. नारायणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th May, 2012

S.O. 1773.—In pursuance of sub-regulation (5) of the Regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name and Address of the Party	Title of the Standard	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	3755876	5-9-2011	M/s. Balubhai Brijbhukandas Choksi Moti Bazar, Navsari 396445	Gold and gold alloys, 1417 jewellery/artefacts	-	-	-	1999
2.	3755977	6-9-2011	M/s. Shantaben Swarna Abhushan Pvt. Ltd. B/82 Ground Floor Paras Society, Katar Gam Road Surat-395004	Gold and gold alloys, 1417 jewellery/artefacts	-	-	-	1999
3.	3756070	6-9-2011	M/s. Vrajlal Laljibhai & Sons H.No. 3/335, Navapura, Opp. Parsi Street, Choksi Bazar, Surat	Gold and gold alloys, 1417 jewellery/artefacts	-	-	-	1999
4.	3756171	6-9-2011	M/s. Apurva Vinimay Pvt. Ltd. PO Digvijay Nagar, Ranip Ahmedabad-382470	Asbestos cement pipes and fitting for sewerage and drainage	6908	-	-	1991
5.	3756272	7-9-2011	M/s. Popular Pump Industries Plot No. 5, Bhajibhai Ind. Estate, Anil Starch Road, Naroda Road, Ahmedabad-380025	Submersible pumpsets	8034	-	-	2002
6.	3756979	7-9-2011	M/s. MARC Industries Plot No. 78/3, Industrial Estate, Phase 1, Near GIDC Water Tank, Vatva, Ahmedabad-382445	Cable trunking and ducting systems for electrical installations	14927	2	-	2001
7.	3756777	8-9-2011	M/s. Titanic Industries Plot No. 15/9, G.I.D.C. Dabhoi, Vadodara-391110	Automotive vehicles- tubes for pneumatic tyres	13098	-	-	1991

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8.	3756878	9-9-2011	M/s. Shakti Polymers Kukarwada, Tintodan Road TA Vijapur, Mahesana-382830	Unplasticized pvc pipes for potable water supplies	4985	-	-	2000
9.	3757476	13-9-2011	Tridev Rubber Pvt. Ltd. Plot No. 55, Mazda Gali, B/H Gupta Dying G.I.D.C. Pipodara Village Pipodara, Tal Mangrol, Surat-394185	Automotive vehicles- 13098 tubes for pneumatic tyres	-	-	-	1991
10.	3757678	13-9-2011	M/s. Techno Tarp & Polymers Pvt. Ltd. Plot No. 4920/4921, Plastic Zone GIDC Sarigaon, Valsad, Bhilad-396155	Textiles-tarpaulins 7903 made from high density polyethylene woven fabric-	-	-	-	2005
11.	3758882	14-9-2011	M/s. Pramukh Health Care & Food Product 199, Krishna Estate, B/H Radheshyam Estate, Near Palm Hotel, Ring Road Circle, Odhav, Ahmedabad-382415	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004
12.	3757880	14-9-2011	M/s. Divine India by Pass Road, Near R.T.O. Office, At. Parabda TA. Himatnagar Sabarkantha-383220	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004
13.	3757981	15-9-2011	M/s. Heranba Industries Ltd. Plot No. 1503/1, GIDC Estate, Phase III, Valsad, Vapi	Alphacypermethrin, 15603 wp	-	-	-	2005
14.	3758983	15-9-2011	M/s. Nimbus Beverages Plot No. 87 to 91, Swaminarayan Industrial Estate, Kadodra Bardoli Road, Tatiththya Tal Palsana, Surat-394315	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004
15.	3757779	15-9-2011	M/s. G.K. Thakkar Jewellers 9/140, Wadi Falia Khandwala Street, Bhagat, Surat-395003	Gold and gold alloys, 1417 jewellery/artefacts-	-	-	-	1999
16.	3759278	19-9-2011	M/s. Dhara Enterprise Bhulabhai Patel Farm, B/H, Karnavati Club, Mahmadpura, Ahmedabad-380052	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004
17.	3759379	19-9-2011	M/s. Honest Marketing 450/B/1, GIDC, Makarpura, Vadodara-390010	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
18.	3759985	19-9-2011	M/s. Laxmi Industries 6/6A Goteswar Estate, Gota, Ahmedabad-382481	Pvc insulated cables	694	-	-	1990
19.	3760061	19-9-2011	Texel Industries Limited Plot No. 2106, Santej Khatraj Road, Near Shah Steel, Village Santej, Talkalol Gandhinagar Santej-382721	Agro-textiles-high density polyethylene (hdpe) woven beds for vermiculture	15907	-	-	2010
20.	3760667	20-9-2011	M/s. Aravali Infrapower Ltd. Block No. 76, Siholdi, Taluka Matar, Kheda Nadiad-387380	Aluminium conduc- tors for overhead transmission purposes	398	-	-	1996
21.	3760263	21-9-2011	M/s. Dharmik Food and Beverages At. P.O. Ranu, Tal Padra Distt. Vadodara-391440	Packaged drinking water (other than packaged natural mineral water)-	14543	-	-	2004
22.	3760364	22-9-2011	M/s. Gunnebo India Pvt. Ltd. Plot No. 1302-1306, GIDC Industrial Estate, Champaner Road, Panchamahal Halol-389350	Portable fire extinguisher mechanical foam type	10204	-	-	2001
23.	3760465	22-9-2011	M/s. Gunnebo India Pvt. Ltd. Plot No. 1302-1306, GIDC Industrial Estate, Champaner Road, Panchamahal Halol-389350	Portable fire extinguisher, water type (gas cartridge)-	940	-	-	2003
24.	3760566	22-9-2011	M/s. Gunnebo India Pvt. Ltd. Plot No. 1302-1306, GIDC Industrial Estate, Champaner Road, Panchamahal Halol-389350	Portable fire extinguisher, dry powder (cartridge type)	2171	-	-	1999
25.	3760768	22-9-2011	M/s. Gujarat Spun Pipe Factory At & PO Dhokaliya, Bodeli, TA Sankheda, Vadodara Bodeli-391135	Precast concrete pipes (with and without reinforce- ment)	458	-	-	2003
26.	3760869	22-9-2011	M/s. R. R. Kabel R.S. No. 201, 202/1, 202/2, 203 and 327/3, Khanda Road, Waghodia Vadodara-391760	PVC insulated cables	694	-	-	1990
27.	3761770	23-9-2011	M/s. Rishabh Industries 213/A/1, Bharat Estate, Opp Soneria Block, General Hospital Road, Bapunagar, Ahmedabad-380024	Automotive vehicles- tubes for pneumatic tyres	13098	-	-	1991

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
28.	3762065	23-9-2011	M/s. Aerolex Cables Pvt. Ltd. Plot No. 5 and 6, Mahagujarat cables Industrial Estate, Moraiya Sarkhj Bavla Highway, Ahmedabad-382213	PVC insulated	694	-	-	1990
29.	3763673	23-9-2011	M/s. Singh and Companies Plot No. 3602 Phase IV, G.I.D.C. Vapi. Dist. Valsad-396195	Drums large, fixed ends, part 2 grade b drums	1783	2	-	1983

[No. CMD/13:11]

T. B. NARAYANAN, Scientist-'F' & Head-

नई दिल्ली, 17 मई, 2012

का.आ. 1774.—भारतीय मानक व्यूरो (प्रमाणन) विनियम, 1988 के विनियम 5 के उप-विनियम (6) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्र. सं.	लाइसेंस संख्या सीएम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	7004649	मैसर्स विमल फायर कंट्रोल्स प्रा. लिमिटेड ए.1, 851/1-बी, जी आई डी सी, पोस्ट बाक्स नंबर 783, मकरपुरा इंडस्ट्रियल एरिया, बड़ोदा-390010	फोम कनसट्रेट फार प्रोड्युसिंग मैकेनिकल फोम फार द फाइटिंग आई एस 4989 : 2006	14-9-2011
2.	7998522	मैसर्स हीमा सेल्स कापोरेशन, 4/ए/10, लक्ष्मी इंडस्ट्रियल एस्टेट, पालडी तीन रास्ता, विसनगर (उत्तर गुजरात) डिस्ट्रिक्ट महेसना	कन्ड्यूटस फार इलैक्ट्रिकल इंस्टालेशन पार्ट 3 रिजिड प्लेन कन्ड्यूटस आफ प्लेन कन्ड्यूटस आफ इंसुलेटिंग मैट्रियल आई एस 9537 : पार्ट 3 : 1983	28-9-2011

[सं. सीएमडी/13:13]

टी. बी. नारायणन, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 17th May, 2012

S.O. 1774.—In pursuance of sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each :—

SCHEDULE

Sl. No.	Licences No. CM/L-	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
(1)	(2)	(3)	(4)	(5)
1.	7004649	M/s. Vimal Fire Controls Pvt. Ltd. A-1, 851/1-B, GIDC, Post Box No. 783 Makarpura Industrial Area, Baroda-390010	Foam concentrate for producing mechanical foam for fire fighting- IS 4989:2006	14-9-2011
2.	7998522	M/s. Hima Sales Corporation 4/A/10, Laxmi Ind. Estate, Paldi Three Rasta, Visnagar (N.G.) Distt : Mahesana	Conduits for electrical installations : part 3 rigid plain conduits of insulating materials (superseding is : 2509) IS 9537 : Part 3 : 1983	28-9-2011

[No. CMD/13:13]

T. B. NARAYANAN, Scientist 'F' & Head

कोयला भंगालय

नई दिल्ली, 16 मई, 2012

का.आ. 1775.—केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार ने कोयला भंगालय की अधिसूचना संख्यांक का.आ. 1920 तारीख 13 जुलाई, 2011 जो भारत के राजपत्र के भाग-II, खण्ड-3, उप-खण्ड (ii) तारीख 23 जुलाई, 2011 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट ऐसी भूमि में जिसका माप 7.349 हेक्टर (लगभग) या 18.160 एकड़ (लगभग) भूमि में या उस पर सभी अधिकारों 1.368 हेक्टर (लगभग) या 3.38 एकड़ (लगभग) माप की भूमि में सभी अधिकारों और वर्णित 5.981 हेक्टर (लगभग) या 14.78 एकड़ (लगभग) माप की उक्त भूमि में खनन अधिकार के, अर्जन करने के अपने आशय की सूचना दी थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और झारखण्ड सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि 7.349 हेक्टर (लगभग) या 18.160 एकड़ (लगभग) माप की भूमि निम्नलिखित यथा वर्णित ऐसी भूमियों में या उस पर के सभी अधिकार :-

(क) सभी अधिकार अनुसूची-क में वर्णित 1.368 हेक्टर (लगभग) या 3.38 एकड़ (लगभग) माप की उक्त भूमि का, और

(ख) खनन अधिकार इससे उपावद्ध अनुसूची-ख में वर्णित 5.981 हेक्टर (लगभग) या 14.78 एकड़ (लगभग) माप की उक्त भूमि में खनिजों के खनन, खदान बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने, और उन्हें ले जाने के अधिकार अर्जित किया जाना चाहिए ।

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि :-

(क) अनुसूची-क में वर्णित 1.368 हेक्टर (लगभग) या 3.38 एकड़ (लगभग) माप की उक्त भूमि का सभी अधिकार, और

(ख) अनुसूची-ख में वर्णित 5.981 हेक्टर (लगभग) या 14.78 एकड़ (लगभग) माप की भूमि का खनन अधिकार खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने, और उन्हें ले जाने के अधिकार अर्जित किए जाते हैं ।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या ईसीएल/एसआईएमएल/एमओयूबैडए/एनओटीआई/06ए तारीख 16 सितम्बर, 2011 का निरीक्षण उपायुक्त, पाकुड़ के कार्यालय में या कोयला नियंत्रक, 1, कांडसिल हाउस स्ट्रीट, कोलकाता (पिन-700001) के कार्यालय में या निदेशक तकनीकी (संचालन), ईस्टन कोलकाताल्स सिमिटेड, सेंकटोरिया, डाकघर-दिसरांड, जिला-बर्दवान (पश्चिम बंगाल), पिन कोड-713 333 के कार्यालय में किया जा सकता है ।

अनुसूची-क

सिमलोंग कोस्ल प्लाइनिंग ब्लॉक

जिला-पाकुड़ (झारखण्ड)

(रेखांक संख्या ईसीएल/एसआईएमएल/एमओयूबैडए/एनओटीआई/06ए तारीख 16 सितम्बर, 2011)

सभी अधिकार :

क्रम सं.	ग्राम/पौजा का नाम*	ग्राम सं.	पटवारी हस्का/जेएल सं.*	तहसील/थाना*	जिला	क्षेत्र में हेक्टेयर में (लगभग)	टिप्पणियां
1.	सिमलोंग पहाड़	5	5	लिटटी पाड़ा	पाकुड़	1.230	भाग
2.	बड़ा घासरी	20	20	लिटटी पाड़ा	पाकुड़	0.138	भाग
कुल :							1.368

* राजस्व अभिलेख के अनुसार

कुल : 1.368 हेक्टर (लगभग) या 3.38 एकड़ (लगभग)

मौजा सिमलौंग पहाड़ नं. 05 में अर्जन किए जाने वाले प्लॉट संख्या :

108, 112 भाग, 117, 171, 180, 183 भाग

मौजा बड़ा घाघरी सं. 20 में अर्जन किए जाने वाले प्लॉट संख्या :

2 भाग, 9

अनुसूची-ख

सिमलौंग कोल माइनिंग ल्सॉक

जिला-पाकुड़ (झारखण्ड)

(रेखांक संख्या ईसीएल/एसआईएमएल/एमओयूजेड/एनओटीआई/06ए तारीख 16 सितम्बर, 2011)

खनन अधिकार :

क्रम सं	ग्राम/मौजा का नाम*	ग्राम सं.	पटवारी हल्का/ जे.एल सं.*	तहसील/थाना*	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां (लगभग)
1.	सिमलौंग पहाड़	5	5	लिट्टी पाड़ा	पाकुड़	5.334	भाग
2.	बड़ा घाघरी	20	20	लिट्टी पाड़ा	पाकुड़	0.647	भाग
कुल :							5.981

*राजस्व अभिलेख के अनुसार

कुल : 5.981 हेक्टर (लगभग) या 14.78 एकड़ (लगभग)

मौजा सिमलौंग पहाड़ नं. 05 में अर्जन किए जाने वाले प्लॉट संख्या :

99 भाग, 104 भाग, 105 भाग, 106, 107, 109, 110, 111, 113, 116, 118 भाग, 127, 128, 129, 130, 131, 132, 145, 146, 147, 170, 172 भाग, 173 भाग, 175 भाग, 178 भाग, 179, 181, 182

मौजा बड़ा घाघरी सं. 20 में अर्जन किए जाने वाले प्लॉट संख्या :

3 भाग, 7, 8

कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9 (1) के अधीन अधिसूचित क्षेत्र।

सीमा वर्णन (क-क३) :

- क-क। रेखा मौजा सिमलौंग सं. 05 की थाना लिट्टी पाड़ा, पाकुड़ की प्लॉट सं. 99 और 119 की साझा सीमा पर बिन्दु क से शुरू होकर प्लॉट सं. 118 उत्तरी पूर्वी सीमा, प्लॉट सं. 117 पूर्वी सीमा, प्लॉट सं. 116, 113 की उत्तरी सीमा से गुजरती हुई प्लॉट सं. 112 को पार करती हुई पुनः प्लॉट 127, 128, 129, 132, 145 की उत्तरी सीमा से गुजरती हुई मौजा सिमलौंग पहाड़ सं. 5 की प्लॉट सं. 145 की उत्तरी-पूर्वी सीमा पर बिन्दु क। पर मिलती है।
- क। क२। रेखा मौजा सिमलौंग सं. 05 की प्लॉट सं. 145 की उत्तरी सीमा पर बिन्दु क। से शुरू होकर, प्लॉट सं. 145, 147 की पूर्वी सीमा से गुजरती हुई 170 की उत्तरी प्लॉट सं. 172, 183 को पार करती हुई प्लॉट सं. 184 की उत्तरी सीमा से गुजरती हुई, मौजा सिमलौंग पहाड़ सं. 05 और बड़ा घाघरी सं. 20 की साझा सीमा पर बिन्दु क। पर मिलती है।
- क२-क३। रेखा मौजा सिमलौंग पहाड़ सं. 05 एवं बड़ा घाघरी सं. 20 की साझा सीमा पर बिन्दु क। से शुरू होकर, प्लॉट सं. 82 उत्तरी सीमा सं. 7 की पूर्वी और दक्षिण सीमा, प्लॉट सं. 8, 3 की दक्षिणी सीमा से गुजरती हुई, मौजा बड़ा घाघरी सं. 20 की प्लॉट सं. 3 और सिमलढाव सं. 2। की प्लॉट सं. 9। की साझा सीमा पर बिन्दु क। पर मिलती है।
- क३-क। रेखा मौजा बड़ा घाघरी सं. 20 की प्लॉट सं. 3 और सिमलढाव सं. 2। की प्लॉट सं. 9। की साझा सीमा पर बिन्दु क। से शुरू होकर, मौजा बड़ा घाघरी सं. 29 की 3, 2 मौजा बड़ा घाघरी सं. 20 और सिमलौंग पहाड़ सं. 5 की साझा सीमा को पार करती हुई मौजा सिमलौंग पहाड़ सं. 05 की प्लॉट सं. 180, 178, 175, 173, 172, 104, 105, 118 और 99 को पार करती हुई प्लॉट सं. 99 और 119 की साझा सीमा पर बिन्दु क पर मिलती है।

[फा. सं. 43015/1/2009-पी आर आई डब्ल्यू-1]

ए. के. दास, अवर सचिव

MINISTRY OF COAL

New Delhi, the 16th May, 2012

S.O. 1775.— Whereas by the notification of the Government of Indian the Ministry of Coal number S.O. 1920 dated the 13th July, 2011, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act) and published in the Gazette of India, Part - II, Section - 3, Sub-Section (ii) dated the 23rd July, 2011, the Central Government gave notice of its intention to acquire the lands and all rights in or over 7.349 hectares (approximately) or 18.160 acres (approximately) of the lands in which, to acquire all rights in or over 1.368 hectares (approximately), or 3.38 acres (approximately) of land and mining rights in the land measuring 5.981 hectares (approximately) or 14.78 acres (approximately) of land, such lands specified in the schedule appended to that notification;

And whereas the competent authority in pursuance of Section 8 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the report aforesaid and after consulting the Government of Jharkhand is satisfied that the lands measuring 7.349 hectares (approximately) or 18.160 acres (approximately) and all rights in or over such lands as described below :-

- (a) All right, 1.368 hectares (approximately) or 3.38 acres (approximately) of land mentioned in Schedule A, and
- (b) Mining right, for mining, quarry bore, dig and search for win, work and carry away minerals in the land measuring 5.981 hectares (approximately) or 14.78 acres (approximately) of land mentioned in Schedule B appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section(1) of Section 9 of the Coal Bearing Areas (Acquisition & Development) Act, 1957 (20 of 1957), the Central Government hereby declares that-

- (a) All right, 1.368 hectares (approximately) or 3.38 acres (approximately) of land mentioned in Schedule A, and
- (b) Mining right, for mining, quarry bore, dig and search for win, work and carry away minerals in the land measuring 5.981 hectares (approximately) or 14.78 acres (approximately) of land mentioned in Schedule B are hereby acquired.

The plan bearing number ECL/SIML/MOUZA/NOTI/06A dated the 16th September, 2011, of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Pakur or at the office of the Coal Controller, 1, Council House Street, Kolkata (Pin- 700 001) or at the office of the Director Technical (Operation), Eastern Coalfields Limited, Sanctoria ,P.O. Dishergarh, District- Burdwan (West Bengal), Pin Code - 713 333.

SCHEDULE-A

Simlong Coal Mining Block

District - Pakur (Jharkhand)

(Plan bearing number ECL/SIML/MOUZA/NOTI/06A dated the 16th September, 2011)

All Right:

S. No.	Name of Mouza/ Village*	Village Number	Patwari Halka/ JL number*	Tahsil/PS*	District	Area in Hectares approximately	Remarks
1	Smrlong Pahar	5	5	Litti Para	Pakur	1.230	Part
2	Bara Ghaghri	20	20	Litti Para	Pakur	0.138	Part
Total							1.368

* As per revenue records

Total : 1.368 hectares (approximately) or 3.38 acres (approximately)

Plot numbers to be acquired in Mouza Simrlong Pahar No.05 :

108, 112p, 117, 171, 180, 183p.

Plot numbers to be acquired in Mouza :- Bara Ghaghri No. 20 :

2p,9.

SCHEDULE-B**Simlong Coal Mining Block****District - Pakur (Jharkhand)**

(Plan bearing number ECL/SIML/MOUZA/NOTI/06A dated the 16th September, 2011)

Mining Right:

S. No.	Name of Mouza/ Village*	Village Number	Patwari Halka/ JL number*	Tahsil/PS*	District	Area in Hectares approximately	Remarks
1	Simlong Pahar	5	5	Litti Para	Pakur	5.334	Part
2	Bara Ghaghri	20	20	Litti Para	Pakur	0.647	Part
Total						5.981	

* As per revenue records

Total: 5.981 hectares (approximately) or 14.78 acres (approximately)

Plot numbers to be acquired in Mouza Simlong Pahar No.05:

99, 104p, 105p, 106, 107, 109, 110, 111, 113, 116, 118p, 127, 128, 129, 130, 131, 132, 145, 146, 147, 170, 172p, 173p, 175p, 178p, 179, 181, 182.

Plot numbers to be acquired in Mouza :- Bara Ghaghri No . 20 :

3p, 7, 8.

Boundary Description (of the area being notified under Section 9(1) of the CBA (A&D) Act, 1957.

Boundary Description (A to A3) :

- A-A1 Line starts from Point A on the common boundary of plot no 99 & 119 in the mouza Simlong No. - 05 Thana Liliti Para dist - Pakur , passes through the northern and eastern boundary of plot no. 118, eastern boundary plot no. 117, northern boundary of plot no.116 , 113, cross the plot No 112, again passes through the northern boundary plot no. 127,128,129,132,145 and meets at point A1 on the northern boundary of plot no. 145 of mouza Simlong Pahar no . 05
- A1-A2 Line starts from Point A 1 on the northern boundary of plot no. 145 of mouza Simlong Pahar No . 05 and passes through the eastern boundary of plot no. 145, 147, northern boundary of 170, eastern boundary of plot no. 170,171, cross the plot No 172, 183 , passes through northern boundary of plot no. 184 and meets at the point A2 on the common boundary of Mouza Simlong Pahar No. 05 and Bara Ghaghri No. 20 .
- A2-A3 Line starts from Point A2 on the common boundary of Mouza Simlong Pahar No. 05 and Bara Ghaghri No. 20 .and passes through northern boundary of plot No. 82, eastern and southern boundary of plot no. 7, southern boundary of plot no - 8 , 3 and meets at point A3 of the common boundary of plot No. 3 of mouza Bara Ghaghri No 20 & plot No.91 of Simaldhab No.21.
- A3-A Line starts from Point No. A3 of the common boundary of plot no. 3 of mouza Bara Ghaghri no 20 & plot no 91 of Simal Dhab No.21. Crosses plot No. 3, 2 of mouza - Bara Ghaghri No. 20 ,common boundary mouza Bara Ghaghri No. 20 and Simlong Pahar No. 05, plot No. 180, 178, 175, 173, 172, 104, 105,118 , 99 and meets at the point A on the common boundary of plot no 99 and 119 of mouza Simlong Pahar. No. 05 .

[F. No. 43015/1/2009-PRIW-I]

A. K. DAS, Under Secy.

नई दिल्ली, 22 मई, 2012

का.आ. 1776.—केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार ने कोयला मंत्रालय की अधिसूचना संघर्षांक का.आ. 2501 तारीख 4 अक्टूबर, 2010 द्वारा, जो भारत के राजपत्र के भाग-II, खण्ड-3, उप-खण्ड (ii) तारीख 9 अक्टूबर, 2010 में प्रकाशित

की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट पूर्मि और ऐसी पूर्मि में या उस पर के सभी अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और झारखण्ड सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में यथा वर्णित 20.38 हेक्टर (लगभग) या 50.36 एकड़ (लगभग) माप वाली पूर्मि में या उस पर के सभी अधिकार अर्जित किए जाने चाहिए ।

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में यथा वर्णित 20.38 हेक्टर (लगभग) या 50.36 एकड़ (लगभग) माप वाली पूर्मि में या उस पर के सभी अधिकार अर्जित किए जाते हैं ।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्या ईसीएल/आरजेएमएल/एमओयूजेडए/एनओटीआई/75 तारीख 7 फरवरी, 2011 का निरीक्षण उपायुक्त, जिला-गोड्डा (झारखण्ड) के कार्यालय में या कोयला नियंत्रक, 1, कांठसिल हाउस स्ट्रीट, कोलकाता (पिन-700001) के कार्यालय में या निदेशक तकनीकी (प्रचालन), ईस्टर्न कोलफील्ड्स लिमिटेड, सांकटोरिया, डाकघर-दिसरेगड़, जिला-बर्द्धमान (पश्चिम बंगाल), पिन कोड-713 333 के कार्यालय में किया जा सकता है ।

अनुसूची

ललमटिया (भाग) कोयला प्लॉक

जिला-गोड्डा (झारखण्ड)

सभी अधिकार :

(रेखांक संख्या ईसीएल/आरजेएमएल/एमओयूजेडए/एनओटीआई/75 तारीख 7 फरवरी, 2011)

क्रम संख्या	मौजा/ग्राम का नाम*	ग्राम का नाम	पटवारी हस्का/जेएल संख्या*	ताहसील/थाना*	जिला	क्षेत्र हेक्टेयर में (लगभग)	क्षेत्र एकड़ में (लगभग)	टिप्पणी
1.	छोटा भोड़ाय		17	ललमटिया	गोड्डा	20.38	50.36	भाग
कुल :						20.38	50.36	

*राजस्व अभिलेख के अनुसार

कुल : 20.38 हेक्टर (लगभग) या 50.36 एकड़ (लगभग)

ग्राम छोटा भोड़ाय में अर्जित किए प्लॉट संख्याएँ—

13, 14, 15, 16, 20, 22, 23, 24, 33, 34, 35, 36, 37, 38, 39, 40, 40/183, 41, 42, 44, 45, 46, 47, 48, 49, 50, 50/184, 51, 52, 53, 54, 55, 56, 57, 57/180, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 72/185, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 102/178, 103, 103/177, 104, 105, 106, 107, 108, 109, 155, 156, 157, 158, 159, 160, 161 भाग, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 172/186, 173, 174 एवं 175.

सीमा विवरण (ए 1-ए 6) :

- ए 1-ए 2 यह रेखा ललमटिया थाना, जिला-गोड्डा (झारखण्ड) के छोटा भोड़ाय नं. 17, बड़ा भोड़ाय नं. 18 एवं पहाड़पुर नं. 32 मौजा के त्रि-संधि स्तंष्ठ पर स्थित बिन्दु ए 1 से आरंभ होकर छोटा भोड़ाय नं. 17 एवं बड़ा भोड़ाय नं. 18 के साझा सीमा से गुजरते हुए मौजा छोटा भोड़ाय नं. 17 एवं बड़ा भोड़ाय नं. 18 के त्रि-संधि स्तंष्ठ पर स्थित बिन्दु ए 2 पर मिलता है ।
- ए 2-ए 3 यह रेखा मौजा-छोटा भोड़ाय नं. 17, एवं बड़ा भोड़ाय नं. 18 के साझा सीमा पर स्थित बिन्दु ए-2 से आरंभ होकर छोटा भोड़ाय सं. 17 के प्लॉट नं. 14 के उत्तरी सीमा पर स्थित बिन्दु ए-3 पर मिलता है ।
- ए 3-ए 4 यह रेखा मौजा-छोटा भोड़ाय नं. 17 के प्लॉट सं. 14 के उत्तरी सीमा पर स्थित बिन्दु ए 3 से आरंभ होकर छोटा भोड़ाय सं. 17 प्लॉट सं. 15, 20, 24, 44, 42, 41, 183, 79 के उत्तरी सीमा प्लॉट सं. 33 के पश्चिमी, उत्तरी एवं पूर्व सीमा, प्लॉट सं. 35, के उत्तरी सीमा से गुजरते हुए रोड सं. 161 को पार करता है एवं पुनः प्लॉट नं. 107, 108 के पश्चिमी सीमा एवं प्लॉट सं. 108 के उत्तरी सीमा, प्लॉट नं. 109 के पश्चिमी सीमा, प्लॉट सं. 109, 178, 102, 155, 156, 160 के उत्तरी सीमा से गुजरते हुए छोटा भोड़ाय सं. 17 एवं बड़ा भोड़ाय सं. 18 के साझा सीमा पर स्थित बिन्दु ए-4 पर मिलता है ।

- ए 4-ए ५ यह रेखा छोटा भोड़ाय नं. १७ एवं बड़ा भोड़ाय नं. १८ के साझा सीमा पर स्थित बिन्दु ए-४ से आरंभ होकर छोटा भोड़ाय सं. १७ के एवं बड़ा भोड़ाय नं. १८ के साझा सीमा से गुजरते हुए छोटा भोड़ाय नं. १७ एवं बड़ा भोड़ाय नं. १८ एवं केशगढ़िया सं. २० मौजा के त्रि-संधि स्तंभ पर स्थित बिन्दु ए-५ पर मिलता है।
- ए ५-ए ६ यह रेखा छोटा भोड़ाय नं. १७, बड़ा भोड़ाय नं. १८ एवं केशगढ़िया सं. २० मौजा के त्रि-संधि स्तंभ पर स्थित बिन्दु ए-५ से आरंभ होकर छोटा भोड़ाय सं. १७ एवं केशगढ़िया सं. २० के साझा सीमा से गुजरते हुए छोटा भोड़ाय नं. १७, केशगढ़िया सं. २० पहाड़पुर सं. ३२ के त्रि-संधि स्तंभ पर स्थित बिन्दु ए-६ पर मिलता है।
- ए ६-ए १ यह रेखा छोटा भोड़ाय नं. १७, केशगढ़िया सं. २० एवं पहाड़पुर सं. ३२ के त्रि-संधि स्तंभ पर स्थित बिन्दु ए-६ से आरंभ होकर छोटा भोड़ाय नं. १७ एवं पहाड़पुर सं. ३२ के साझा सीमा से गुजरते हुए छोटा भोड़ाय नं. १७, पहाड़पुर सं. ३२ एवं बड़ा भोड़ाय नं. १८ के त्रि-संधि स्तंभ पर स्थित बिन्दु ए-१ पर मिलता है।

[फा. सं. 43015/2009-पीआरआईडब्ल्यू-१]

ए. के. दास, अवर सचिव

New Delhi, the 22nd May, 2012

S.O. 1776.— Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 2501 dated the 4th October, 2010, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 9th October, 2010, the Central Government gave notice of its intention to acquire the lands and all rights in or over such lands specified in the schedule appended to that notification;

And whereas the competent authority in pursuance of Section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government after considering the report aforesaid and after consulting the Government of Jharkhand is satisfied that the lands measuring 20.38 hectares (approximately) or 50.36 acres (approximately) and all rights in or over such lands as described in Schedule appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 9 of the said Act, the Central Government hereby declares that the land measuring 20.38 hectares (approximately) or 50.36 acres (approximately) and all rights in or over such lands as described in schedule are hereby acquired.

The plan bearing number ECL/RJML/MOUZA/NOTI/75 dated the 7th February, 2011, of the area covered by this notification may be inspected at the office of the Deputy Commissioner, District- Godda or at the office of the Coal Controller, 1, Council House Street, Kolkata (Pin-700 001) or at the office of the Director Technical (Operation), Eastern Coalfields Limited, Sanctoria, P.O. Dishergarh, District- Burdwan (West Bengal), Pin Code-713 333.

SCHEDULE

Lalmatia (Part) Coal Block

District-Godda (Jharkhand)

All Right :

(Plan bearing number ECL/RJML/MOUZA/NOTI/75 dated the 7th February, 2011)

S. No.	Name of Mouza/ Village Village*	Village Number	Patwari Halka/ JL number*	Tahsil/PS*	District	Area in Hectares (approximately)	Area in acres (approximately)	Remarks
1.	Chota Bhorai	17	17	Lalmatia	Godda	20.38	20.38	Part
				Total		20.38	20.38	

*As per revenue records

Total : 20.38 hectares (approximately)

or 50.36 acres (approximately)

Plot numbers to be acquired in village Chhota Bhorai :—

13, 14, 15, 16, 20, 22, 23, 24, 33, 34, 35, 36, 37, 38, 39, 40, 40/183, 41, 42, 44, 45, 46, 47, 48, 49, 50, 50/184, 51, 52, 53, 54, 55, 56, 57, 57/180, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 72/185, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 102/178, 103, 103/177, 104, 105, 106, 107, 108, 109, 155, 156, 157, 158, 159, 160, 161 Part, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 172/186, 173, 174 and 175.

Boundary Description (A1 to A6) :

- A1-A2** Line starts from Point A1 at tri-junction pillar of Chhota Bhorai No. 17, Bara Bhorai No. 18 and Paharpur No. 32 of PS Lalmatia Dist. Godda (Jharkhand) and passes through the common boundary of Chhota Bhorai No. 17 and Bara Bhorai No. 18 and meets at the Point A2 on Common boundary of Mouza Chhota Bhorai No. 17 and Bara Bhorai No. 18.
- A2-A3** Line starts from Point A2 on the common boundary of Mouza Chhota Bhorai No. 17 and passes through the western boundary of plot No. 14 and meets at point A3 on northern boundary of Plot No. 14 of Chhota Bhorai No. 17.
- A3-A4** Line starts from Point A3 on northern boundary of plot No. 14 of Chhota Bhorai No. 17 and passes through the northern boundary of plot No. 16, 15, 20, 24, 44, 42, 41, 183, 79; western, northern and eastern boundary of plot No. 33, northern boundary of plot no. 35; crosses the road on plot 161; again passes through western boundary of plot No. 107, 108; northern boundary of Plot No. 108; western boundary of 109; northern boundary of Plot No. 109, 178, 102, 155, 156, 160 and meets at Point No. A4 on common boundary of Chhota Bhorai No. 17 and Bara Bhorai No. 18.
- A4-A5** Line starts from Point No. A4 on common boundary of Chhota Bhorai No. 17 and Bara Bhorai No. 18 and passes through the common Mouza Boundary of Bara Bhorai No. 18 and Chhota Bhorai No. 17, meets at Point A5 on tri-junction pillar of Chhota Bhorai No. 17, Bara Bhorai No. 18 and Keshgaria No. 20.
- A5-A6** Line starts from Point No. A5 on tri-junction pillar of Chhota Bhorai No. 17, Bara Bhorai No. 18 and Keshgaria No. 20; passes through the common mouza boundary of Chhota Bhorai No. 17 and Keshgaria No. 20; and meets at Point A6 on tri-junction pillar of Chhota Bhorai No. 17, Paharpur No. 32 and Keshgaria No. 20.
- A6-A1** Line starts from Point A6 on the tri-junction pillar of Mouza Chhota Bhorai No. 17, Paharpur No. 32 and Keshgaria No. 20; passes through the common Mouza boundary of Chhota Bhorai No. 17 and Paharpur No. 32; and meets at Point A1 on tri-junction pillar of Mouza Chhota Bhorai No. 17, Bara Bhorai No. 18 and Paharpur No. 32.

[F. No. 43015/2/2009- PRIW-I]

A. K. DAS, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 17 मई, 2012

का.आ. 1777.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की संख्या का.आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था ।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में सभी विलंगमों से मुक्त उपयोग का अधिकार हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित किया था ।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम और खनिजों के परिवहन के लिए पंजाब राज्य में हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की तहसील तलावाड़ी साबो व भटिंडा में पाइपलाइन बिछाई जा चुकी है, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, मार्गाधिकार गतिविधियों को पंजाब राज्य में समाप्त किया जाए,

अतः, अब, केन्द्रीय सरकार पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण । के अधीन अपेक्षानुसार उक्त अनुसूची के संभ 7 में उल्लिखित तारीखों को पंजाब राज्य में मार्गाधिकार गतिविधियों की समाप्ति की तारीख के रूप में घोषित करती है ।

अनुसूची

क्रम सं.	का.आ. सं. एवं दिनांक	ग्राम का नाम	तहसील	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
1.	2939 दिनांक 21-12-2009 2982 दिनांक 27-10-2009 395 ई दिनांक 15-02-2010 677 दिनांक 23-02-2011	रामा रामसरा बाधा बंगी निहाल सिंह बंगी रुलदू कोटबख्तु नसीबपुरा	तलवंडी साबो	भट्टिडा	पंजाब	12-12-2010
2.	2551 दिनांक 15-09-2009 3521 दिनांक 22-12-2009 230 दिनांक 05-01-2011	गहरी देवी नगर कोटसमीर कटार सिंह बाला	भट्टिडा	भट्टिडा	पंजाब	17-01-2011

[फा. सं. आर-31015/3/2012-ओआर-II]

लाल छन्दमा, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 17th May, 2012

S.O. 1777.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. Nos. and dates as mentioned in the Schedule below issued under Sub-Section (i) of Section 6, Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the said lands specified in the Schedule appended to those notifications.

And Whereas, in exercise of powers conferred by Sub-Section (4) of Section 6 of the said Act, the Central Government vested the right of user in the lands free from all encumbrances in the Hindustan Petroleum Corporation Limited.

And Whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transportation of petroleum products from Raman Mandi to Bathinda in the State of Punjab has been laid in the said lands and hence the ROU activities may be terminated in Tehsils Talwandi Saboo & Bathinda in the State of Punjab in respect of the said lands which in brief are specified in the Schedule annexed to this Notification.

Now, therefore as required under explanation 1 of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declare the dates mentioned in Column 7 of the said schedule as the dates of termination of activities in ROU in the State of Punjab.

SCHEDULE

Sl. No.	S.O. No. & Date	Name of Village	Tehsil	District	State	Date for Termination of activities in ROU
1	2	3	4	5	6	7
1.	2939 Date 21-10-2009 2982 Date 27-10-2009 395E Date 15-02-2010 677 Date 23-02-2011	Raman Ramsara Bagha Bangi Nihal Singh Bangi Ruldu Kot Bakhtu Nasibpura	Talwandi Saboo	Bhatinda	Punjab	12-12-2010

1	2	3	4	5	6	7
2.	2872 Date 15-10-2009 169 Date 11-01-2010 230 Date 5-1-2011	Gehri Devi Nagar Kotshamir Katar Singh Wala	Bhatinda Bhatinda	Punjab		17-01-2011

[F. No. R-31015/3/2012-OR-II]

LAL CHHANDAMA, Under Secy.

नई दिल्ली, 17 मई, 2012

का.आ. 1778.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अधिसूची में यथा उल्लिखित तारीखों की संख्या का.आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में सभी विलंबाणी से मुक्त उपयोग का अधिकार हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम और खनिजों के परिवहन के लिए पंजाब राज्य में हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की तहसील तलवंडी साथे व सरदूलगढ़ में पाइपलाइन बिछाई जा चुकी है, अतः उस भूमि के बारे में, जिसका सक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, मार्गाधिकार गतिविधियों को पंजाब राज्य में समाप्त किया जाए,

अतः अब, केन्द्रीय सरकार पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण 1 के अधीन अपेक्षानुसार उक्त अनुसूची के स्तर 7 में उल्लिखित तारीखों को पंजाब राज्य में मार्गाधिकार गतिविधियों की समाप्ति की तारीख के रूप में घोषित करती है।

अनुसूची

क्रम सं.	का.आ. सं. एवं दिनांक	ग्राम का नाम	तहसील	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
I.	3522 दिनांक 22-12-2009 55 ई दिनांक 07-01-2010 680 दिनांक 28-02-2011	रामा फूलोखारी मलकाना तंगराली त्यौना पुजारीन मिरेजाना नथेडा	तलवंडी साथे	भट्टिया	पंजाब	03-01-2011
2.	2551 दिनांक 15-09-2009 3521 दिनांक 22-12-2009 230 दिनांक 05-01-2011	कुशला जटान कंला फत्ता मालुका अलीके झन्डोके बरन हिरके	सरदूलगढ़	मानसा	पंजाब	04-01-2011

[का. सं. आर-31015/3/2012-ओआर-II]

लाल छन्दमा, अवर सचिव

New Delhi, the 17th May, 2012

S.O. 1778.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas, S.O. Nos. and dates as mentioned in the Schedule below issued under Sub-section (i) of Section 6, Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the said lands specified in the Schedule appended to those notifications.

And Whereas, in exercise of powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government vested the right of user in the lands free from all encumbrances in the Hindustan Petroleum Corporation Limited.

And Whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transportation of petroleum products from Raman Mandi in the State of Punjab to Bahadurgarh in the State of Haryana has been laid in the said lands and hence the ROU activities may be terminated in Tehsils Talwandi Saboo & Sardulgarh in the State of Punjab in respect of the said lands which in brief are specified in the Schedule annexed to this Notification.

Now, therefore as required under explanation 1 of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declare the dates mentioned in Column 7 of the said schedule as the dates of termination of activities in ROU in the State of Punjab.

SCHEDULE

Sl. No.	S.O. No. & Date	Name of Village	Tehsil	District	State	Date for Termination of activities in ROU
	2	3	4	5	6	7
1	3522 Date 22-12-2009 55 E Date 07-01-2010 680 Date 28-02-2011	Raman Phullo Khari Malkana Tangrali Teona Pujarin Mirziana Nathea	Talwandi Saboo	Bhatinda	Punjab	03-01-2011
2	2551 Date 15-09-2009 3521 Date 22-12-2009 230 Date 5-01-2011	Kusla Jatana Kalan Fatta-Maluka Jhanduke Heerke Alike Baran	Sardulgarh	Mansa	Punjab	04-01-2011

[F. No. R-31015/3/2012-OR-II]

LAL CHHANDAMA, Under Secy.

नई दिल्ली, 17 मई, 2012

का.आ. 1779.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अधिसूची में यथा डिल्लिखित तारीखों की संख्या का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में सभी बिल्लियाँ से पुक्त उपयोग का अधिकार हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम और खनिजों के परिवहन के लिए हरियाणा राज्य में हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड को तहसील रोहतक व फतेहबाद में पाइपलाइन बिछाई जा चुकी है, अतः उस भूमि के बारे में, जिसका संशोधन किया गया इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, मार्गाधिकार गतिविधियों को हरियाणा राज्य में समाप्त किया जाए।

अतः, अब, केन्द्रीय सरकार पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्बन) नियम, 1963 के नियम 4 के स्पष्टीकरण 1 के अर्थीन अपेक्षानुसार उक्त अनुसूची के स्तंभ 7 में डिस्ट्रिक्ट तारीखों को हरियाणा राज्य में मार्गाधिकार गतिविधियों की समाप्ति की तारीख के रूप में घोषित करती है।

अनुसूची

क्रम सं.	का.आ. सं. एवं दिनांक	ग्राम का नाम	तहसील	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
1.	2548 दिनांक 14-09-09 256 दिनांक 18-01-10 229 दिनांक 05-01-11	घडौडी घुसकानी टिटौली जिन्दरान खिडवाली ब्राह्मणवास बसन्तपुर मकरौली कलां लाढौत किलौई खास भालोठ	रोहतक	रोहतक	हरियाणा	25-10-2010
2.	3095 दिनांक 13-11-09 290(अ) दिनांक 04-02-10 1532 दिनांक 30-05-11	नागपुर फूल अलीपुर बरोटा भूथन कलां भूथन खुर्द खेडवाला नाढोडी भुना बैजलपुर नहला	फतेहाबाद	फतेहाबाद	हरियाणा	23-06-2010

[फा. सं. आर-31015/3/2012-ओआर-II]

लाल छन्दमा, अवर सचिव

New Delhi, the 17th May, 2012

S.O. 1779.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas, S.O. Nos. and dates as mentioned in the Schedule below issued under sub-section (i) of Section 6, Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the said lands specified in the Schedule appended to those notifications.

And Whereas, in exercise of powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government vested the right of user in the lands free from all encumbrances in the Hindustan Petroleum Corporation Limited.

And Whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transportation of petroleum products from Ramian Mandi in the state of Punjab to Bahadurgarh in the state of Haryana has been laid in the said lands and hence the ROU activities may be terminated in Tehsils Rohtak & Fatehabad in the State of Haryana in respect of the said lands which in brief are specified in the Schedule annexed to this Notification.

Now, therefore as required under explanation 1 of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the dates mentioned in Column 7 of the said schedule as the dates of termination of activities in ROU in the State of Haryana.

SCHEDULE

Sl. No.	S.O. No. & Date	Name of Village	Tehsil	District	State	Date for Termination of operation
1	2	3	4	5	6	7
1.	2548 Date 14-09-09 256 Date 18-01-10 229 Date 05-01-11	Ghraothi Ghuskani Titouli Jindran Khidwali Brahmanwas Basantpur Makrauli Kalan Ladhaut Kilo Khas Bhalaut	Rohtak	Rohtak	Haryana	25-10-2010
2.	3095 Date 13-11-09 290(E) Date 04-02-10 1532 Date 30-05-11	Nagpur Phool Alipur Barota Bhuthan Kalan Bhuthan Khurd Kherwala Nadhauri Bhuna Bajjalpur Nahla	Fatehabad	Fatehabad	Haryana	23-06-2010

[F. No. R-31015/3/2012-OR-II]
LAL CHHANDAMA, Under Secy.

नई दिल्ली, 17 मई, 2012

का.आ. 1780.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अधिसूची में यथा उल्लिखित तारीखों की संख्या का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में सभी विलंगमों से मुक्त उपयोग का अधिकार हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित किया था।

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम और खनिजों के परिवहन के लिए हरियाणा राज्य में हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की तहसील सिरसा, रतिया, बरवाला, नारनौंद, हांसी, जुलाना, महम, सांपला व बहादुरगढ़ में पाइपलाइन बिछाइ जा चुकी है, अतः उस भूमि के बारे में, जिसका संक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट किया गया है, मार्गाधिकार गतिविधियों को हरियाणा राज्य में समाप्त किया जाए;

अतः, अब, केन्द्रीय सरकार पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण 1 के अधीन अपेक्षानुसार उक्त अनुसूची के स्तंभ 7 में उल्लिखित तारीखों को हरियाणा राज्य में मार्गाधिकार गतिविधियों की समाप्ति की तारीख के रूप में घोषित करती है।

अनुसूची

क्रम सं.	का.आ. सं. एवं दिनांक	ग्राम का नाम	तहसील	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1	2	3	4	5	6	7
1.	3096 दिनांक 13-11-09 2052 दिनांक 04-08-11	लोहारहड़ी दहकोरा आसौदा सिवान आसौदा टोडरान	बहादुरगढ़	झज्जर	हरियाणा	25-05-2011

1	2	3	4	5	6	7
2.	2646 दिनांक 22-09-09	पाकसमा कसरेन्टी मोरखेडी समचाना भैसरू खुर्द भैसरू कलां नयाबांस	सांपला	रोहतक	हरियाणा	26-09-2011
3.	2489 दिनांक 09-09-09 168 दिनांक 11-01-10	फरमाना खास फरमाना बादशाहपुर गुणाहडी खरक. जाटन बैन्सी लाखन माजरा खरेन्टी चान्दी	महम	रोहतक	हरियाणा	21-09-2011
4.	2549 दिनांक 14-09-09	मालवी	जुलाना	जींद	हरियाणा	23-10-2010
5.	2550 दिनांक 15-09-09 257 दिनांक 18-01-10 1530 दिनांक 27-05-11	भकलाना मोहला बड़छप्पर बास बादशाहपुर	हांसी	हिसार	हरियाणा	21-11-2010
6.	2937 दिनांक 21-10-09 291 (अ) दिनांक 04-02-10 1533 दिनांक 30-05-11	लौहारी राधो मोठ करनेल साहिब गामडा मोठ रागरान राखी शाहपुर नारनौद औरंग शाहपुर पेटवाड	नारनौद	हिसार	हरियाणा	23-11-2010
7.	3093 दिनांक 12-11-09 396 (अ) दिनांक 15-02-10 1531 दिनांक 27-05-11	पावडा इररहडी धैणी बादशाहपुर बरवाला बधाषड़ ढाड़ ब्याना खेडा	बरवाला	हिसार	हरियाणा	25-02-2011
8.	2870 दिनांक 15-10-09 231(अ) दिनांक 05-01-11	साहरन मंठ हडौली अहरवा शेखुपुर सोतर पालसर	रतिया	फतेहबाद	हरियाणा	22-02-2011
9.	2869 दिनांक 15-10-09	सूरतिया सिधपुरा	सिरसा	सिरसा	हरियाणा	27-09-2010

New Delhi, the 17th May, 2012

S.O. 1780.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas, S.O. Nos. and dates as mentioned in the Schedule below issued under sub-section (i) of Section 6, Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the said lands specified in the Schedule appended to those notifications.

And Whereas, in exercise of powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government vested the right of user in the lands free from all encumbrances in the Hindustan Petroleum Corporation Limited.

And Whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transportation of petroleum products from Raman Mandi in the state of Punjab to Bahadurgarh in the state of Haryana has been laid in the said lands and hence the ROU activities may be terminated in Tehsils Sirsa, Ratia, Barwala, Narnaund, Hansi, Julana, Maham, Sampla & Bahadurgarh in the State of Haryana in respect of the said lands which in brief are specified in the Schedule annexed to this Notification.

Now, therefore as required under explanation 1 of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules 1963, the Central Government hereby declare the dates mentioned in Column 7 of the said schedule as the dates of termination of activities in ROU in the State of Haryana.

SCHEDULE

Sl. No.	S.O. No. & Date	Name of Village	Tehsil	District	State	Date for Termination of operation
1	2	3	4	5	6	7
1	3096 Date 13-11-09 2052 Date 04-08-11	Loharheri Dhakaura Asauda Sewan Asaudha Todran	Bahadurgarh	Jhajjar	Haryana	25-05-2011
2	2646 Date 22-09-09	Pakasma Kisarhanti More Kheri Samchana Bhansru Khurd Bhansru Kalan Nayabas	Sampla	Rohtak	Haryana	26-09-2011
3	2489 Date 09-09-09 168 Date 11-01-10	Farmana Khas Farmana Badshapur Gugaheri Kharak Jatan Bainsi Lakhan Majra Khareanti Chandi	Maham	Rohtak	Haryana	21-09-2011
4	2549 Date 14-09-09	Malvi	Julana	Jind	Haryana	23-10-2010
5	2550 Date 15-09-09 257 Date 18-01-10 1530 Date 27-05-11	Bhaklana Mohla Badchhapar Bas Badshapur	Hansi	Hisar	Haryana	21-11-2010

1	2	3	4	5	6	7
6	2937 Date 21-10-09 291 (E) Date 04-02-10 1533 Date 30-05-11	Lohari Ragho Moth Karnial Sahib Garma Moth Rangran Rakhi Shahpur Narnaund Orang Shahpur Petwar	Narnaund Hisar	Haryana	23-11-2010	
7	3093 Date 12-11-09 396 (E) Date 15-02-10 1531 Date 27-05-11	Pabra Iserheri Bhaini Badshahpur Barwala Badhawar Dhad Biyana Khera	Barwala Hisar	Haryana	25-02-2011	
8	2870 Date 15-10-09 231 Date 05-01-11	Saharan Madh. Haroli Ahearwa Shekhupur Sotar Palsar	Ratia	Fatehabad	Haryana	22-02-2011
9	2869 Date 15-10-09.	Suritiya Singhpura	Sirsa	Sirsa	Haryana	27-09-2010

[F. No. R-31015/3/2012-OR-II]
LAL CHHANDAMA, Under Secy.

नई दिल्ली, 21 मई, 2012

का.आ. 1781.—पेट्रोलियम और खनिज पाइप लाइन (भू उपयोग अधिकार अधिग्रहण) अधिनियम 1962 (1962 के 50) के खंड 2 की धारा (क) के अनुसरण में-तथा पेट्रोलियम और प्राकृतिक गैस मंत्रालय में भारत सरकार की दिनांक 19-11-2010 की अधिसूचना का अधिक्रमण करते हुए केन्द्र सरकार एतद्वारा श्री कृष्ण मोहन उप्पू, आईएएस (एजीएमयू 2009) डिप्टी जिला कलेक्टर (नजफगढ़), राष्ट्रीय राजधानी क्षेत्र दिल्ली को अपने कर्तव्यों के अतिरिक्त राष्ट्रीय राजधानी क्षेत्र दिल्ली की सीमा में हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड की एमडीपीएल उत्पाद पाइपलाइन के अंग के रूप में बहादुरगढ़-टीकरीकलां स्परलाइंस के लिए उक्त अधिनियम के तहत सक्षम प्राधिकारी के रूप में कार्य करने के लिए प्राधिकृत करती है।

[फा. सं. आर-31015/6/2004-ओआर-11]
लाल छन्दमा, अवर सचिव

New Delhi, the 21st May, 2012

S.O. 1781.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962) and in supersession of Notification of the Government of India in Ministry of Petroleum and Natural Gas No. S.O. 2877 dated 19-11-2010, the Central Government hereby authorizes Shri Krishna Mohan Uppu, IAS (AGMU-2009), SDM (Najafgarh) Government of NCT of Delhi, to perform the functions of Competent Authority for Bahadurgarh - Tikrikalan spurlines as a part of MDPL product pipeline of Hindustan Petroleum Corporation Limited, in addition to his own duties, under the said Act, within the territory of NCT Delhi.

[F. No. R-31015/6/2004-OR-II]

LAL CHHANDAMA, Under Secy.

श्रम और रोजगार मंत्रालय
नई दिल्ली, 25 अप्रैल, 2012

का.आ. 1782.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ इंजीनियर, आत्म इंडिया रेडियो (दूरदर्शन) एष्ट अदर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संरक्ष संख्या 88/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2012 को प्राप्त हुआ था।

[सं. एल-42012/19/1996-आईआर (डी.यू.)]
रमेश सिंह, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 25th April, 2012

S.O. 1782.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 88/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Chief Engineer, All India Radio (Doordarshan) and others and their workman, which was received by the Central Government on 25-4-2012.

[No. L-42012/19/1996-IR (DU)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR.

Industrial Dispute No. 88 of 1997

Sri Gulab Singh son of Sri Hari Singh
C/o Sri Sunhari Lal, B-29,
Indrapuri,
New Agra.

And

Chief Engineer,
All India Radio,
(Doordarshan) & Others
Shamshabad Agra.

AWARD

1. Central Government, MoI, New Delhi, vide notification no. L-42012/19/96-IR (DU) dated 23-5-97, has referred the following dispute to this tribunal for adjudication:—

2. Whether the action of Doordarshan Kendra Agra in terminating the services of Sri Gulab Singh Chowkidar with effect from 1-3-95 is legal? If not to what relief the workman is entitled?

3. Brief facts of the case are—

4. It is alleged by the claimant that he was employed by the opposite party directly as chowkidar at the rate of Rs. 700 per month with effect from 3-9-92. After 15-10-92 he was also assigned night duty from 6.00 p.m. to 6.00 a.m. for 12 hours. He rendered his duties honestly diligently and with full devotion. Due to this his wages were enhanced to Rs. 800 per month with effect from 1-4-93. It is further alleged by the claimant that since the date of employment he was not given any appointment letter, wage slip, attendance card etc., payment of wages was made on register with effect from 3-9-92 to 31-5-94 and thereafter on plain paper till the date of termination for the obvious reasons. He was neither given equal pay for equal work nor given payment of overtime wages, when workman demanded the same, suddenly on 1-3-95 Sri Bhikki Lal Assistant Engineer Security verbally stopped the workman concerned from his duties. On query he was informed that employer no. 2 has terminated his services. As such abrupt oral -termination amounts to retrenchment, but employer have not complied with Section 25 F, 25 G and 25 H of the Act and rules 76 and 77 of I.D. (Central) Rules 1957. This termination was done without any prior notice or termination, it was done with malice to deny right full claim of the workman. It is by way of victimization and in colorable exercise of employers power which amounts to unfair labour practice under Schedule V of Industrial Disputes Act. He also served a legal notice on the employer but no reply was given. As the opposite party has not provided any documentary prove pertaining to the employment therefore, he is keeping his right to suitably amend or add his statement of claim; therefore, he has prayed that he is entitled to be reinstated with continuity of service and with full back wages.

5. Opposite party has filed reply. It is stated by them that the claimant was engaged on oral contract basis for the security of the material of doordarshan kept at the side Ram Bagh Premises on Agra Tundla Road. The contract period was monthly and was renewed receipt of payment of contract money was also given by him. Photocopies of the same have been filed by him as Annexure 1. Payment was made on hand receipt and not on register. But it is stated that he was not employed as in employee against any regular post. He was not given any appointment letter. It is also stated that the site for the security for which the claimant was engaged has been transferred to Civil Construction Agra to construct the residential quarters. Therefore, the services of the petitioner are no longer required and the contract of engagement came to an end.

6.. When he was not an employee, no question of termination is involved. It is not a retrenchment therefore on notice is required to be served. He was informed at the early stage that when his services were not required by Sri Bhikki Lal, therefore, his services were no longer required. It is also alleged that Doordarshan is not an Industry as defined under the definition of the term Industry. It is further

alleged that a SLP is pending before the Hon'ble Supreme Court of India on the point as to whether Doordarshan is an Industry or not and till the issue is decided this court has no jurisdiction to decide the matter and the reference is liable to be rejected on this ground also.

7. Rejoinder statement has also been filed but nothing new has been incorporated therein except reiterating the facts already pleaded by the claimant in his statement of claim.

8. Management apart from oral evidence has also filed documentary evidence which will be discussed at the time of appreciation of the facts and evidence of the case. Management has also produced evidence of Sri Keemat Kumar Asstt. Engineer, Doordarshan, as M.W. 1, whereas, workman himself has produced in evidence as W.W. 1.

9. I have perused the statement of both the parties and the documentary evidence which is in the shape of photocopies filed by the opposite parties. It has been stated by the claimant on oath that he was engaged by the opposite party as chowkidar on 3-9-92 and he was being paid Rs. 700 per month in the beginning and later on enhanced to Rs. 800 per month. This fact has not been denied by the opposite party either in the reply or in the oral evidence.

10. It has been stated by the opposite party that he was engaged on the basis of oral contract as a chowkidar and when his services were not required the oral contract came to an end automatically.

11. I have examined this fact. Now the burden has shifted to the opposite party to prove this fact. Opposite party is a public sector undertaking and be known as Doordarshan. It is expected from them that they will follow certain prescribed procedure to engage any person or to employ any person. They have not given any documentary evidence that the claimant was engaged or employed on the basis of a oral contract. There is no such procedure where a person can be employed on the basis of an oral contract that too for years together. The payment receipts filed by the opposite party along with the written statement, if I enter in the depth of these receipts and lift the veil I find that it is a colorable exercise of managerial power on the part of the employer. Therefore, this cannot be termed as oral contract and it amounts to an unfair labour practice.

12. Opposite party has filed photocopies of attendance register and the same have been perused by me. I find that it is of no use for the employer as the claimant has himself stated in his claim statement that his attendance was never marked in the attendance register and that he had never been provided with any appointment letter, therefore the statement of the W.W.1 acceptable on the point and that he was engaged by the opposite party on 3-9-92 as chowkidar at the rate of Rs. 700 per month which was subsequently enhanced at the rate of Rs. 800 per month.

13. It is also stated by the claimant that when he demanded for the overtime wage, his services were dispensed with by an oral order passed by Sri Bhikki Lal with effect from 1-3-95 without complying with the mandatory provisions of Industrial Disputes Act, 1947. The statement of workman is believable and acceptable on this point also.

14. There is a contention of the opposite party that the site for which the workman was engaged was transferred to Civil Construction Wing Agra to construct the residential quarters, so his services were not required. This contention does not carry any weight. It has been contended by the AR for the claimant that Civil Construction Wing Agra is also the branch of opposite party, therefore, opposite party cannot take this plea that there was no work left for the claimant. For a moment if there was no work left even then the employer was expected to issue him a notice must have paid the retrenchment compensation before terminating his services because the claimant was already in the engagement/employment of employer and he has completed 240 days in the calendar year before his termination with effect from 1-3-95, which fact has also not been disputed by the opposite party. They have also not disputed the continuity of the services of the claimant; therefore, to my view the claimant has accrued a right of protection under section 25F of Industrial Disputes Act, 1947. In the reply it is also admitted by the opposite party that they have never issued any notice or notice pay or retrenchment compensation before the termination of the services of the claimant. Therefore, in any view of the matter it is held that the opposite party has breached the mandatory provisions of the Industrial Disputes Act.

15. The claimant has placed reliance upon a decision—

1. 2011 Vol. II SCC L7S 524 between Kuldeep Singh versus General Manager.
2. 2007 Vol. I SCC L&S 961 between Siram Industrial Enterprises versus Mehak Singh & Others.

16. I have considered the law propounded by the Hon'ble Apex Court and I respectfully agree with the same.

17. In both the case the Hon'ble Apex has held that where the workman has completed 240 days of continuous service preceding 12 calendar months from the date of his termination he is entitled to be reinstated in the service.

18. Therefore, considering the overall view as explained hereinabove it is held that the opposite party has breached the provisions of section 25F of Industrial Disputes Act, consequently the workman is entitled to be reinstated in service of the employer opposite party with 50% back wages and continuity of service. It is further directed that the opposite party shall reinstate the workman in their service within one month from the date of publication of this award.

19. Before parting with the award it may be pointed out here that there is one more contention pleaded by the opposite party that they are not industry within the meaning of the Act. It is contended by them that there were number of judgments of the Hon'ble High Court and the CAT which have held that Doordarshan is an Industry, against this decision the Union of India have gone into the SLP before the Hon'ble Apex Court. It is contended by them that the matter is pending before the Hon'ble apex court so this matter be also dismissed on this ground. I have considered this aspect of the matter fully. First I would like to say that there is no direct stay of the proceedings of the present case by any higher court, secondly there cannot be any dismissal of the case simply on the ground that some matter is pending before a higher court to be decided. A simple paper has been filed by the opposite party which is not supported by any affidavit or in the statement of MW. 1, therefore, on the above point no cognizance can be taken. It is also not a certified copy of any order of the higher court. Therefore no cognizance can be taken of this document and it is held that the opposite party is an Industry as defined under the definition of Industry under section 2(j) of the Act.

20. In the end it is finally concluded that the workman should be reinstated in service with 50% back wages with continuity of service.

21. The reference is therefore answered accordingly in favour of the workman and against the opposite party.

RAM PARKASH, Presiding Officer

नई दिल्ली, 25 अप्रैल, 2012

का.आ. 1783.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जरनल मैनेजर, ग्री आइरन फैक्ट्री, जबलपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के मंचाट (संदर्भ संख्या सी.जी.आई.टी/एलसी/आर/64/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-2012 को प्राप्त हुआ था

[सं. एल-14011/8/1994-आईआर (डी.यू.)]
रमेश सिंह, डंस्क अधिकारी

New Delhi, the 25th April, 2012

S.O. 1783.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/64/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of The General Manager, Grey Iron Factory/Jabalpur and their workman, which was received by the Central Government on 25-4-2012.

[No. L-14011/8/1994-IR (DU)]

RAMESH SINGH, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/64/96

Presiding Officer: SHRI MOHD. SHAKIR HASAN

General Secretary,
GIF Employees Union,
Grey Iron Factory,
Jabalpur

... Workman

Versus

General Manager,
Grey Iron Factory,
Jabalpur

... Management

AWARD

Passed on this 21st day of March, 2012

1. The Government of India, Ministry of Labour vide its Notification No. L-14011/8/94-IR (DU) dated 26-2-96 has referred the following dispute for adjudication by this tribunal :—

“प्रबंधतंत्र ग्रे आयरन फाउन्ड्री, जबलपुर के प्रबंधकों द्वारा नियन्त्रित श्रमिकों जो कि फरनेसमेन (जनरल) के पद पर कार्यरत हैं, उन्हे दि. 16-10-81 से फरनेसमेन (जनरल) सेमीस्कील्ड से स्कील्ड केटेगरी में अपग्रेड न कर बेतनमान 260-440-निर्धारण न करने की कार्यवाही न्यायोचित है। यदि नहीं तो संबंधित आवेदकाण किस अनुतोष के हकदार हैं।”
कर्मकारों के नामों की सूची :

- (1) श्री हरीशंकर दुबे, एच.टी.ओ. एच. एस.-II दि.न. 1160/1372
- (2) श्री आर.सी. खन्ना, एच.टी.ओ. एच. एस.-II दि.न. 1148/1390
- (3) श्री मोहम्मद गौर, एच.टी.ओ. एच. एस.-II दि.न. 1155/1405
- (4) श्री एस.पी. नापित, एच.टी.ओ. एच. एस. दि.न. 1157/1408
- (5) श्री एल. पी. सोनकर, एच.टी.ओ. एच. एस. दि.न. 1125/1409
- (6) श्री एस.एल. राजपूत, एच.टी.ओ. एच. एस. दि.न. 1139/1410
- (7) श्री आर.एन. यादव, एच.टी.ओ. एच. एस. दि.न. 1140/1411
- (8) श्री बाबूसिंह, एच.टी.ओ. एच. एस. दि.न. 1110/1359

2. The case of the workmen/Union, in short, is that the workmen were appointed as Labourers in 1978. They appeared and passed the trade test for the Furnaceman (General) and were appointed/promoted as Furnaceman (General) in the pay scale of Rs. 210-260 w.e.f. 1-5-1980. It is stated that in the mean time there was reclassification of Industrial Trades in Ordnance Factories on the recommendation of Expert Classification Committee Report (in short EEC report). Most of the semi-skilled post of pay scale of Rs. 210-260 had been reclassified to skilled grades in the pay scale of Rs. 260 to Rs. 400 w.e.f. 16-10-1981. Furnaceman trade was also upgraded in other Ordnance Factories e.g. Ordnance Factory, Avadi Tamil Nadu (in short OFA, Tamil Nadu) but the Grey Iron Foundry Jabalpur

(in short GIF, Jabalpur) did not upgrade the furnace-man trade from semi-skilled to skilled grade as it was done in other Ordnance Factories. However the management had upgraded similar SubTrade like Furnace-man charger from semis-killed to skilled grade. It is stated that an Anamolies Committee was set up to resolve the dispute of upgradation and principle was laid down which was accepted by the management. On the principle of the Committee, the Furnace-man (General) was upgraded in OFA, Tamilnadu from semi-skilled to skilled grade w.e.f. 16-10-1981 but the same is denied to Furnace man (General) at GIF, Jabalpur. It is stated that instead of upgradation the workmen were re-designated as Annealer (semiskilled) in the same pay scale vide order dated 20-5-85. It is stated that the workmen were again re-designated as Total Hardner in the new trade known as Heat Treatment Operative on the basis of Guha Committee Report in 1989. The management then upgraded the workmen as skilled grade only from 12-2-1990 instead the upgradation from the date by which the Furnace-man OFA Tamilnadu was upgraded. It is stated that Guha Committee had been done to minimize/rectify the anomalies and irregularities caused to wrong implementation of EEC Report. It is stated that Guha Committee Report should be implemented w.e.f. 16-10-1981 to avoid any discrimination. On the basis of the above grounds, the reference be answered in favour of the Union/workmen with all consequential benefits.

3. The management appeared and filed Written Statement to contest the reference. The case of the management, interalia, is that admittedly these workmen were appointed as labourers in the year 1978 in GIF, Jabalpur. Thereafter they were promoted to Furnace-man(General) (Semi-skilled) in the scale of Rs. 210-Rs.290 after qualifying trade test w.e.f. 2-5-1980. The matter of revision/fixation of pay scale, if any, strictly lies on the pay Commission and other such bodies after acceptance of the recommendation of the Government. The demand for revision of Pay scales of any trade cannot be entertained by the General Manager of the Factory as he has no authority to grant any pay scale to any group of employees. It is stated that this issue was raised before various CATs and even before the Hon'ble Supreme Court. The Hon'ble Apex Court has settled that the job evaluation done by EEC based on the point rating system cannot be held to be arbitrary. It is stated that the EEC has evaluated the job contents of the various trades i.e. Furnace-man (Pourer), Furnace-man (General OFA) and Furnace-man(General) on the basis of point rating system. The Guha Committee was formed to provide avenues of promotion to the incumbents of dead trade by merging them with nearly akin trades after trade test. In the above circumstances, the claim of the Union/workmen for treating them as skilled grade in the scale of Rs.260-400 on their Furnace-man (General) trade is not tenable and is not justified. The Union/workmen is not entitled to any relief.

4. On the basis of the pleadings of the parties, the following issues are framed for adjudication—

I. Whether the action of the management in not upgrading the workmen from semi-skilled to skilled category in the pay scale of Rs. 260 to Rs 400 w.e.f. 16-10-81 is justified?

II. To what relief the workmen is entitled?

Issue No. I

Now the important question raised by the Union/workmen is as to whether the demand of the workmen to upgrade them from semi-skilled to skilled grade in the pay scale of Rs.260 to Rs 400 w.e.f. 16-10-81 is justified and proper. The grounds taken by the Union is that Furnace-man trade was also upgraded in other ordnance factories. It is stated that the Furnace-man, OFA, Tamilnadu was upgraded from semi-skilled to skilled grade in the scale of Rs.260 to Rs 400 w.e.f. 16-10-1981 but the same is denied to Furnace-man General, GIF, Jabalpur and these workmen were in semi-skilled category in the scale of Rs.210 - Rs.260.

6. In support of the facts, the Union/workmen has adduced oral and documentary evidence. The Union has examined three workmen in the case. Shri H.S.Dubey has stated that he appointed as a Labour on 13-2-1978 and was promoted as Furnace-man General after passing Trade Test on 1-1-1981. He has further stated that the management had not upgraded them in GIF as per EEC report from 16-10-1981 whereas in other factory under the same management and under the Ministry of Defence, Furnace-man, OFA Tamilnadu were upgraded in the pay scale of Rs.260 - Rs.350 from the pay scale of Rs.210-290. He has stated in his cross-examination that the pay fixation is not to be done by the factory in which he worked rather it is to be done by the Govt. of India. It is argued on behalf of the management that Union, Govt. and Ministry of Defence are not parties to the reference and admittedly General Manager, GIF, Jabalpur has no authority to grant any pay scale to any group of employees from any different date. It is urged that the reference is bad for non-joinder of Union Govt. in the reference. Another witness Shri R.C.Khatri is also examined in the case. He has also corroborated the evidence of Shri H.S.Dubey. He has also stated that their pay fixation/revision is governed by Central Govt. He has stated that on the basis of Central Pay Commission, the General Manager has power to revise/fix the pay of the workers. The last witness Shri Babu Singh is also a workman. His evidence is similar as other witnesses have stated in their evidence. Their evidence clearly shows that they have not stated and enumerated the important characteristics of the job of Furnace-man General and furnaceman OFA, Tamil Nadu and the work traits as well as the conditions under which the job was being performed by both the classes of workmen simply nomenclature is same. Thus the evidence of the witnesses of the Union do not establish that the Furnace-man General of GIF, Jabalpur

and Furnace-man OFA, Tamil Nadu were doing the work of same job description with same duties and responsibilities.

7. The Union has filed documents in the case. Exhibit W/1 is the photocopy of the result sheet of the Trade Test of the Furnace-man (General) dated 4-1-1980. This is admitted by the management. This is filed to show that the workmen Shri R.C.Khatri, Md.Gaus, S.P.Napit, S.L.Rajput, L.P.Sonkar and R.P. Yadav had passed the Trade Test of Furnace-man (General)., Exhibit W/2 is the photocopy of the incomplete ordnance factories and ordnance equipment factories Recruitment Rules, 1979. This document is also admitted by the management. This is filed to show that the pay scale of Furnace-man(General) was Rs.210-290. It also shows that the following requisites were required for promotion/deputation/transfer as Furnace-man (General)—

- (a) Primary Pass
- (b) (i) should have strong physique and be capable of working in hot sections
- (ii) Ability of handle heavy pieces such as billets during charging and discharging furnace.
- (iii) Ability to operate the furnace and control temperature and ability to light furnace from cold.
- (iv) A minimum period of 2 years experience in the trade is necessary. (Trade Test: Practical demonstration at work.)

It is clear that there is nothing on the record to show that what was the requisites for Furnace-man OFA, Tamil Nadu.

8. Exhibit W/3 is photocopy of specification of Trade Testing. It is also incomplete document. Though it is admitted by the management. This is filed to show that the specification of Trade Test of Furnace-man (General) are same as has been given Ordnance Factories and Ordnance Equipment Factories Recruitment Rules 1979. There is nothing to show that the specifications of Trade Test are same to the Furnace man OFA, Tamil Nadu. Exhibit W/4 (Paper No. 14/14) is photocopy of incomplete letter of the management dated 14- 8-1986 whereby the workmen Shri H.S.Dubey, R.C.Khatri and Babu Singh were promoted to Tool Hardner skilled grade in the pay scale of Rs.260-Rs. 400 with re-designated. Paper No.14/16 is another office order No. 231 whereby the workman Shri R.N. Yadav was promoted to the post of Tool Hardner (skilled). This is also incomplete document and is admissible in law.

9. Exhibit W/5 is the photocopy of the corrigendum of the sanction letter dated 11-5-1983 of the Ministry of Defence concerning the fitment of pay scales of the industrial workers of Ordnance/Ordnance Eqpt. Factories whereby the pay scale of Furnace-man OFA, Tamil Nadu was revised from Rs.210—290 to Rs.260-400. This is also admitted by the management. This is filed to show that Furnace-man (OFA) were also in the same scale with similar

type designation but their pay scale was revised w.e.f. 16-10-1981 in skilled grade whereas Furnace-man, JIF, Jabalpur was revised from semi-skilled to skilled grade. As discussed above, it is clear that there is no document on the record to show that these workmen were doing the work of same job description with same duties and responsibilities as has been done by Furnace-man, OFA, Tamil Nadu. The learned counsel for the management argued that the ECC has adopted the Point Rating System for job evaluation and the job contents of Furnace-man OFA and Furnace-man (General) were evaluated. On the basis of job evaluation Fumace-man (OFA) was given the scale of Rs.260—400 and the Fumace-man (General) was given the scale of Rs.210—290. The Union/workmen has failed to show that the job contents are same of these two trades as it were evaluated on the point rating system.

10. On the other hand, the management has also adduced oral and documentary evidence in the case. The management witness Shri B. P.Mishra is working as AGM (Administration). He has stated that the General Manager of the Factory has no authority to grant any pay scale to a group of employees from any different date than the dates already fixed by the Govt. of India. The learned counsel for the management argued that Ministry of Defence though Union Govt. is not party to the reference as such the reference is bad on non-joinder of necessary party. I also find from the discussion made above that the Govt. of India is admittedly the competent authority to grant any pay scale to a group of employees from any date. This witness has stated that for rationalisation of trades, and grades in Ordnance Factory, Guha Committee was formed. The basic purpose of Guha Committee was to reduce the number of trades In Ordnance Factories Organisation and to provide avenues to employees in dead end trades by merging them with akin main trades after following the procedure laid down in SRO. On the other hand, the ECC was for the purpose to sort out anomalies arising out of the recommendations of Third Pay Commission. I also agree that Guha Committee is for rationalization of trades and for providing avenues for promotion in dead end trades.

11. The management has filed the ECC report trades alongwith Guha Committee Instruction which is marked as Exhibit M/1. The said document is admitted by the Union/ workmen. This is filed to show that Point rating method was for job evaluation. There were four main characteristics for determination, i.e. skill, effort, responsibility and job condition. The report further shows that five grade structures were prepared i.e. unskilled, semi-skilled, skilled, Highly skilled Gr.II and Highly skilled Gr.I and the revised pay was given effect from 16-10-1981. It also appears that initially Fumace-man General and Fumace-man (OF A) were placed in the same pay scale of Rs.210—290 but subsequently the pay scale of furnaceman (OFA) was corrected by corrigendum to Rs.260—400 . Thus it is clear that the pay scale of these two trades were fixed on point

rating system. The Union has failed to show that the point rating system is similar in both trades. Thus it is evident from the discussion made above that the workmen are not justified in demanding the pay scale of skilled w.e.f. 16-10-1981. This issue is decided against the workmen/Union and in favour of the management.

12. Issue No. I

On the basis of the discussion made above, it is clear that the workmen are not entitled to any relief. Accordingly the reference is answered.

13. In the result, the award is passed without any order to costs.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2012

का.आ. 1784.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिस्ट्रिक्ट मैनेजर, बी. एस. एन. एस. फतेहपुर के प्रबंधत्रय के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 6/2008) को प्रकाशित करते हैं, जो केन्द्रीय सरकार को 26-4-2012 को प्राप्त हुआ था।

[सं. एल-40012/51/2007-आईआर (डीयू)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 26th April, 2012

S.O. 1784.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management District Manager, BSNL, Fatehpur and their workman, which was received by the Central Government on 26-4-2012.

[No. L-40012/51/2007-IR (DU)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SRI RAM PARKASH, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 6/2008

Sri Jageshwar son of Daya Ram,
Resident of Village Kanspur Post Kalyanpur
District Fatehpur.

And

The District Manager,
Bharat Sanchar Nigam Limited,
District Fatehpur.

AWARD

1. Central Government, MoL vide notification no. L-40012/51/2007-IR(DU) dated 13-11-07, has referred the following dispute for adjudication to this tribunal—

2. Whether the action of the management of General Manager, BSNL Fatehpur/UP Parimandal E Lucknow, in terminating the service of their workman Sri Jageshwar with effect from 14-8-2000 is legal and justified? If not, to what relief the workman is entitled to?

3. Brief facts are—

4. It is alleged by the claimant that he was engaged as a Telegram Messenger on 18-5-92, by the officer-in-charge Door Sanchar Bindiki, after seeking permission from Pravar Adhikshak Taar Pariyat Mandal Allahabad. The nature of work against which the claimant was engaged was of permanent nature, but he was engaged in the beginning for three hours and later on after seeing his performance he was asked to work for 4 hours per day. Instead of it he was utilized to perform his duties for 8 hours per day. He was being paid his wage once in a month. Later on when the claimant raised his demand for his regularization, he was victimized on a number of counts, he was asked to sign the vouchers in the name of other persons, he was not paid his full salary, when he raised his voice against his legal demands, his service was dispensed with on 14-8-2000 orally.

5. He filed a suit before CAT, but it was dismissed for want of appropriate jurisdiction. He filed a writ petition in the Hon'ble High Court, where the Hon'ble High Court had held that the claimant has an effective remedy under the Industrial Disputes Act, 1947. There after he raised his grievance before the appropriate government which in turn sent the matter for adjudication by way of present reference order.

6. After his termination of service Sri Babu Singh, Shiv Dass and Ramesh Kumar who were junior to him have been retained in the service of the opposite party and the opposite party is still taking work from them.

7. It is also alleged by the claimant that at the time of termination of his services provisions of Section 25 F of Industrial Disputes Act has not been complied with as it was mandatory to comply the same because he has worked for more than 240 days continuously preceding 12 calendar months from the date of his termination. He has also pleaded that part time worker is workman and there is no distinction between the definition of workman as to whether a person has worked full time or part time

8. On the basis of above pleadings it has been prayed that since the management has violated the mandatory provisions of Industrial Disputes Act, therefore, he is entitled to be reinstated in service with full pay and allowance, continuity of service and with consequential benefit.

9. Opposite party irrespective of the fact that they put their appearance in the case but they did not file any reply against the claim statement of the workman. Opposite party has further failed to adduce evidence in the case.

10. Claimant has adduced oral as well documentary evidence. In oral evidence he has adduced himself as W.W.I. He has stated on oath that he was employed on 18-5-82 by BSNL as a messenger and he continued to work as such without any break or artificial breaks till 14-8-2000. He stated that he continuously worked during this period as a telegram messenger. He further stated on oath that he was utilized to work continuously for a period of 8 hours per day but he was being paid his wage only for 4 hours per day on monthly basis.

11. He goes on to state that at the time of dispensation of his services neither he was given any notice, or notice pay or retrenchment compensation.

12. After termination of his services the opposite party has engaged S/Sri Shiv Dass, Ramesh and Babu Singh and these persons are still working in the department. He further stated that he is unemployed and despite sincere efforts he could not get appropriate employment for his survival.

13. He stated on oath that the documents filed numbering 11/3-20 relates to his working period. It is also stated that they have moved an application dated 30-7-09, for summoning the original record from the opposite party.

14. I have perused the contents of this application. This application was allowed by the tribunal and the opposite party was directed to file the summoned documents. Later on the opposite party failed to put in their appearance, so there was an order of the tribunal that a necessary and proper inference shall be drawn against the management, as they failed to produce the documents.

15. Therefore, considering these facts there is a legal presumption that the original documents were in the custody of the opposite party and they knowingly failed to produce these documents. The photo-copies filed by the claimant bears the stamp of department of Tele-communication along with dispatch number and date and also bear the stamp of Pabhari Taar Ghar Bindiki.

16. Claimant has also filed 13 documents vide list 5-5-08. Some of these are in the original shape. Paper no.06/03 is important and relevant document. This is a carbon copy issued in the process, issued by Prabhari Adhikari Doorsanchar Kendra Bindiki. Date of this letter is 18-5-92. It relates to the temporary appointment of telegram messenger which is in the name of Jageshwar son of Daya Ram. As such this letter confirms and support the contention of the claimant that he was appointed on 18-5-92.

17. Paper no.6/4-9 are the documents which bears the stamp of the Prabhari Adhikari DTO Fatehpur and there are typed paper appears to be original in shape, these paper

relates to the disbursement of payment to the claimant for the working period done by him. Paper no. 6/10-11, and 13 are the applications moved by the claimant before the opposite, party for claiming back wages which were sent through registered post.

18. Therefore, I perused the entire documents and the oral evidence. Evidence appears to be believable. It appears that there is a continuity of service of the complainant since the date of his engagement and he had worked continuously for or more than 240 days of service preceding 12 calendar months from the date of his termination.

19. Claimant has placed reliance upon a decision Rajasthan High Court, 1996 (74) FLR Page 2459, Managing Director and Another versus Faley Ram. The Hon'ble High Court held -part time worker employed by the employer is a workman within the meaning of I.D. Act. In this case a part time mali was employed.

20. Another ruling has been placed 1997 (75) FLR Page 669 Punjab & Haryana High Court, Simla Devi versus Presiding Officer and other. The Hon'ble High Court held that a plain reading of the definition of workman does not exclude the part time workman from the definition of workman. Such exclusion cannot be read into it ipsofacto, except if it is expressly provided or implied that no other interpretation is possible, which is not the case-in-hand. Therefore, a part time worker was considered as a workman.

21. Therefore, considering all the facts of the case the claimant falls in the definition of workman and thus he is entitled for the protection of the provisions of the Act. Since the evidence oral as well as documentary lead by the claimant goes uncontested the tribunal is left with no other option but to hold that the termination of the services of the claimant by the opposite is retrenchment as they failed to comply with the provisions of 25F of the Act in as much as he was neither given any notice, notice pay or retrenchment compensation and also the management retained in service persons junior to him.

22. Therefore, taking over all view of the matter it is held that the removal of the workman with effect from 14-8-2000 is neither just nor fair nor proper and nor legal. Consequently he is held entitled to be reinstated in service together with 50% back wages. The opposite party is directed to comply with the award after within thirty days of the publication of the award.

23. Reference is answered accordingly in favour of the workman and the opposite party.

RAM PARKASH, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2012

का.आ. 1785.—ऑटोरिंग किवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर, बी.एस.एन.एल. झांसी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके

कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 08/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2012 को प्राप्त हुआ था।

[सं. एल-40012/147/2004-आईआर (डीयू)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 26th April, 2012

S.O. 1785.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 08/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the The General Manager, BSNL, Jhansi and their workman, which was received by the Central Government on 26-4-2012.

[No. L-40012/147/2004-IR (DU)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 08 of 2005

Between—

Sri Jitendra Kumar Yadav,
Son of Sri Ramesh Chand Yadav,
Village Fareeda,
Post Nagra The. Grontha,
District Jhansi.

And

The General Manager B.S.N.L.,
Purana Exchange Building,
Lalitpur Road,
Jhansi.

AWARD

1. Central Government, MoI, New Delhi, vide notification no.L-40012/147/2004-IR(DU) dated 11-3-2005, has referred the following dispute for adjudication to this tribunal—

2. Whether the action of the management of Bharat Sanchar Nigam Limited, Jhansi refusing the employment to Sri Jitendra Kumar Yadav (workman) with effect from 30-4-2004 is legal and justified? If not, to what relief the workman is entitled?

3. Brief facts of the case are that it is alleged by the claimant that he was engaged by Bharat Sanchar Nigam Limited (Hereinafter in short BSNL) Jhansi Division under Muranipur Sub Divisional Officer Gursahai Doorsanchar Kendra on 14-9-2000 to 30-4-04 as temporary casual worker. That soon after when his services were forcibly terminated

orally, he raised a dispute before ALC . It is stated that the opposite party without taking any responsibility has denied the claim of the workman before the ALC (Central). It is further alleged by the claimant that the claimant had completed for more than 240 days service in each calendar year during the period he remained in the employment of the opposite party. That due to acute shortage of electricity supply at the place of his working, the opposite party has installed a generator and according to need he was utilized to operate the generator. He was also used to maintain the diesel consumption register at the place of his working. It is also claimed that neither the names of the persons engaged on regular basis in Rural Gramin Doorbhush Kendra under Mauranipur Mandal have never been sponsored by the employment exchange nor the post was advertized by the opposite party prior to 27-7-02. The claimant while working under the opposite party has accrued legal right to be absorbed in the service of the opposite party like the persons engaged from outside without their names sponsored by the employment exchange. In response to the letter dated 12-10-98 issued by the General Manager, Lucknow, some names were sent to the Circle Office of the opposite party as such claimant is entitled for the same benefit. Claimant has further alleged that his name is appearing in the attendance register maintained by the opposite party at the place where he was engaged. It is also pleaded by the claimant that he was paid Rs.600 per month after obtaining his signatures on the vouchers which is against the rules of natural justice. It is also pleaded by the claimant that considering the work I the opposite party, opposite party still requires the services of the post against which he was engaged. Lastly it is alleged that considering the continuous services of the claimant he is entitled to be reinstated in the services of the opposite party from the date from which he was removed from the service with full back wages and continuity of service.

4. Opposite party has filed objection against the claim petition wherein it is alleged that the claimant was never employed by the opposite party, there had never been any relationship of master and servant between the opposite party and the petitioner, the claimant has manufactured and fabricated the documents with malafide intention, therefore the documents filed by the claimant are not admitted. The complainant has filed his mark sheet of High School wherein his date of birth is shown as 30-9-84, where as he has claimed that he was engaged by the opposite party on 14-9-2000, thus he was only about 15 years and 11 months of age and that he was not major on the date of his engagement and he could not have been employed nor was ever employed with the opposite party. The working period as alleged by the claimant has vehemently been disputed by the opposite party and that his name does not find place in the muster roll. It is further denied that the services of the claimant were terminated verbally at any

point of time to say on 17-4-05. As the claimant was never in the employment of the opposite party, question of termination of his services does not arise at all. It is also denied by the opposite party that they are in possession of any documents or record pertaining to the petitioner, therefore, the question of apprehension that the records may be destroyed is absolutely wrong and appears to be a "Peshbandi". Since the claimant was never in the employment of the opposite party therefore, he is not a workman under the definition of workman appearing under section 2(s) of the Act. It is also denied that the claimant had ever completed 240 days of continuous service. There has never been any post of Generator Operator in permanent or temporary capacity in the opposite party. As such the aversion that he was creating entries regarding fuel consumption etc. is absolutely wrong and denied and repudiated in its entirety. It is also denied that the opposite party ever advertised any post on 27-2-02 or on any other date for filling up any vacancies. The claimant is a guilty of fabricating the false documents and also using false documents before this Hon'ble Tribunal for his own interest and gains. Lastly it is alleged that the claim petition of the petitioner is liable to be dismissed with exemplary cost in the interest of justice.

5. Rejoinder statement has also been filed by the workman but nothing new has been pleaded therein except reiteration of the facts pleaded by him in his claim petition.

6. Both the parties have filed the document. I will discuss the relevancy of the documents during appreciation of evidence led by the parties.

7. Heard and perused the record.

8. A short question to be decided in this case is whether any right to the claimant has accrued under the provisions of Industrial Dispute Act,

9. Both the parties have produced oral as well as documentary evidence.

10. Claimant has produced himself as W.W. 1 and claimant has also produced Sri Anil Aggrawal, Hand Writing Expert as W.W. 2.

11. Opposite party has produced M.W. 1 Sri K.N. Shukla S.D.O.

12. Both the parties have produced the documentary evidence also.

13. Claimant has produced 5 document vide list dated 6-9-05. These documents are photocopies of attendance register, photocopy of generator/diesel consumption register Gursahaiganj Doorbhask Kendra, Photocopy of the reply filed by the opposite party before ALC Kanpur, Photocopy of the duplicate bill and photocopy of duty chart.

14. Claimant has also filed the report of the hand writing expert.

15. Opposite party has filed the several registers. These registers were produced on the request of the

summoning application of the claimant. During arguments I have inquired from the auth. Representative for the claimant that from which register he wants to place reliance. He prayed and conceded that diesel engine register which is produced by the opposite party, which is in original, is relevant for the decision of this case. Attendance register has been filed by the claimant himself along with the report of the hand writing expert.

16. From the evidence of both the parties, it is a fact that the claimant was never issued any appointment letter; it is also a fact that he was not issued any termination letter, but from the evidence it has been found that the claimant was engaged as a casual labour, as stated by M.W.1. He stated that the claimant was engaged in November 2002 and he worked till Feb. 2003 for causal work on daily rate basis. He stated that it is wrong to say that he worked till 30-9-04. He stated that he did not work for 240 days continuously before the date of his termination. He stated that there is no post of generator operator either lying or ever existed in the department. He stated that the papers 5/9 - 5/26 filed by the claimant are not genuine. Claimant himself admitted in his cross examination that he was engaged as a casual labour and he was not appointed against any sanctioned post.

17. Claimant has placed reliance upon two register i.e. (1) Attendance Register and (2) is Diesel Engine Register.

18. Regarding attendance register the A.R. of the opposite party contended that the claimant has committed interpolation in the entries of the attendance register. He has added his name Jitendra somewhere in between serial no. 4, and giving false no. 6 to the person who was given serial no. 5 in the attendance register and somewhere he has entered his name in the end of the serial number.

19. It is also contended by the AR of the opposite party that it has not been shown by the claimant that how this original attendance register came in his possession and has been filed in the case by him. It is also contended that it was not filed at the earliest stage. It is also contended that the report of the hand writing expert is not genuine because the hand writing expert did not examined the disputed as well admitted signature and hand writing of a person after seeking the permission from the court. What was done in this case, the claimant himself sent the attendance register as well as the dispute and admitted signature of person from himself and the hand writing expert examined the authenticity of the writing and the signatures and submitted his report which have been filed before this court. Therefore under the facts and circumstances under which the report of hand writing expert is obtained and filed before the court is not admissible because the same has not been obtained or filed with the permission of the tribunal. Therefore, the tribunal is not inclined to believe the report of the hand writing expert. This report is against the rules of natural justice because the opportunity has not been given to the opposite party

to say about the authenticity of the documents or report of hand writing expert.

20. It is also contended by the MR that the hand writing expert W.W. 2 is not a qualified expert as he has not filed any certificate in this regard. There is a cross examination on this point.

21. I have examined the statement of W.W. 2 and find that his statement does not inspire confidence.

22. Now there is left only one register, i.e. Diesel Engine Register though it is being produced from the custody of the management. This register starts from November 2002 till May 2003. At certain places there appears name of Sri Jitendra Kumar. Claimant claims that it is his name.

23. For the sake of evidence I presume that it is his name, but the question is whether he has completed 240 days before the date of termination i.e. 30-4-04. Last entry in the name of Jitendra Kumar in this register appears to be of 1704. Last entry in the name of Jitendra Kumar in this register appears to be of 21-3-03. It shows that no work has been taken from him after 21-3-03. Claimant has not said any where that any other register was also being maintained regarding diesel engine register. I have also specifically inquired during arguments how the workman is completing 240 days preceding 12 months from the date of termination of his services, but there was no specific reply from the side of the claimant. When documentary evidence is there and reliance is being placed by the claimant himself then no presumption can be drawn after the content of the documents. Similarly even if I take the cognizance of attendance register overlooking the interpolation for a moment this register is up to the period July 2001, even then this register does not give any help to the workman for establishing that he had worked continuously for more than 240 days of service preceding 12 calendar months from the date of his termination.

24. Claimant has also drawn my attention towards the paper no. 5/27. It is a reply filed by the opposite party, before the ALC Kanpur. In this document also the opposite party has stated that the claimant had worked during the period November 2002 and February 2003 as a casual labour on part time basis. I have examined this paper. The claimant is not going to seek any help from the documents as it is his own admitted case that he worked till March 2004 but no such documentary evidence have been produced by him to establish the fact that virtually he was in continuous employment with the opposite party till the date of his termination as referred in the reference order. I have also anxiously examined the photocopies of the documents filed by the claimant in support of his claim but on going through the same I find that they are not help full to the claimant in the given circumstances as the claimant himself has palpably failed to establish the fact that he was under the continuous employment with the management for more than 240 days preceding 12 months from the alleged date

of termination of his services as mentioned in the reference order.

25. It is also contended by the opposite party that the claimant was just 16 years of age at the time of his engagement as admitted by him in his statement. So a person who is below 18 years cannot be appointed or engaged by the department.

26. Therefore there was any engagement that was contrary to the recruitment rules.

27. Opposite party has placed reliance upon a decision 2007 Lab IC 3353 P&H High Court in between Executive Engineer Nuda Gurgaon versus Industrial Tribunal-cum-Labour Court, Gurgaon. In this case the Hon'ble High Court held mere rendering of 240 days service does not give right to permanence. Section 25 F was found attracted.

28. I have considered the whole facts oral as well as documentary evidence, though it has been found that the claimant was engaged but he was engaged only for a short period there does not appear to be any continuity and he has not rendered 240 days of service in a calendar year preceding the date of his termination, therefore, the evidence adduced by the claimant is not believable and it is further held that he has failed to prove his case, thereby it is held that the claimant is not entitled to any relief pursuant to the present reference.

29. Reference is therefore answered against the workman and in favour of the opposite party.

RAM PARKASH, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2012

कां.आ. 1786.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैनेजमेंट ऑफ कोल हैम हाइट्स इलैक्ट्रिक पावर प्रोजेक्ट और अदर्स के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, चंडीगढ़ के पंचाट (संदर्भ संख्या 175/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2012 को प्राप्त हुआ था।

[सं. एल-42012/282/2010-आईआर (डी.यू.)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 26th April, 2012

S.O. 1786.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 175/2011) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of KOL Dam Hydro Electric Power Project and Others and their workman, which was received by the Central Government on 26-4-2012.

[No. L-42012/282/2010-IR (DU)]
RAMESH SINGH, Desk Officer

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Present : SRI A.K. RASTOGI, Presiding Officer

Case ID No. 175/2011

Registered on 24-5-2011

Shri Shyam Lal S/o Sh. Chint Ram, Village Nalin, PO Maloh, Tehsil Sunder Nagar, Mandi (HP)

...Applicant

Versus

1. The General Manager, Kol Dam Hydro Electric Power Project, NTPC, VPO Barmana, Bilaspur.
2. Proj. Manager, Italian Thai Development Co. Ltd., Kol Dam Hydro Electric Power Project, Village Kayan, PO Slapper, Teh. Sundernagar, Mandi.
3. M/s. U.R. Infrastructure Company Private Ltd., Village Chamb, Post Office Harnora, Bilaspur.

... Respondents

APPEARANCES

For the workman	-	None
For the Management	-	Sh. V.P. Singh for respondent No. 1, Sh. Shamsher Singh for respondent No. 2

AWARD

Passed on April 10, 2012

The Central Government vide Notification No.L-42012/282/2010-IR (DU) dated 27-4-2011 by exercising its power under Section 10 of Sub-sections (1) Clause (d) and sub-section (2A) of the Industrial Disputes Act, 1947 (in short Act) has referred the following disputes for adjudication to this Tribunal.

"Whether the retrenchment of services of Sh. Shyam Lal S/o Sh. Chint Ram w.e.f. 14-8-2008 by the management of M/s. U.R. Infrastructure Company Private Limited, Village Chamb, Distt. Bilaspur a sub-contractor of M/s. Italian Thai Development Public Limited a contractor of M/s. NTPC Limited without following the principal of 'Last come first go' is legal and justified? What relief the workman is entitled to from the above employer?"

After receiving the reference notices were issued to the parties. Workman and respondent No. 3 did not turn up despite notice sent by registered post to them. Notices not received back undelivered. Hence service was presumed on them. Respondent No. 1 and 2 put in their appearances.

As the workman failed to appear and file claim statement a 'No Dispute' award is passed. Let two copies of the award be sent to Central Government for further necessary action.

ASHOK KUMAR RASTOGI, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2012

का.आ. 1787.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टी.डी.एम., फाहासु हाऊस, अलीगढ़, के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 35/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2012 को प्राप्त हुआ था।

[सं. एल-40012/352/1999-आईआर (डी.यू.)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 26th April, 2012

S.O. 1787.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the TDM Pahasu House, Aligarh and their workman, which was received by the Central Government on 26-4-2012.

[No. L-40012/352/1999-IR (DU)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SRI RAM PARKASH, HJS, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, KANPUR**

Industrial Dispute No. 35 of 2000

Between—

Sri Manoj Kumar son of Sri Virender,
Bajaria Ram Lal Jain Mandir ke pas,
Kayamganj,
Farrukhabad.

And

The TDM Pahasu House,
Aligarh.

AWARD

1. Central Government MOL, New Delhi, vide notification No. L-40012/352/99/IR-DU dated 9-2-2000, has referred the following dispute for adjudication to this tribunal—
2. Whether the action of the management of TDM JTO Telephone in terminating the services of their workman Sri Manoj Kumar with effect 7-11-98 and not giving him the salary of six months is legal and justified? If not to what relief the workman is entitled?
3. Brief facts are—

4. It is alleged by the claimant Sri Manoj Kumar that he was working since March 1997 at Telephone Exchange Sikandara Rau District Aligarh. Thereafter he was posted at Akrabad Exchange which falls under Sikandra Rau Exchange. But all of sudden with effect from 7-11-98 he was not allowed to work by the In-charge of Sikandra Rau Telephone Exchange. Thus his services have been terminated without any notice, notice pay or retrenchment compensation. Thus the opposite party has committed breach of section 25F of Industrial Disputes Act, 1947. He was also not paid wages for six month, he was neither given any appointment letter or termination letter. The work which was being taken from was of a permanent nature. Certain persons are still working on this work. Their names are Sri Kali Charan son of Sri Desh Raj Singh, Satya Pal Singh, Rizan and others.
5. Thus he has continuously worked for 240 days or more. He has also taken the plea of breach of section 25H of the Act.
6. On the basis of above it has been prayed by the claimant that he be reinstated in the service with full back wages and with all consequential benefits.
7. The opposite party has filed written statement denying all the averments raised by the claimant in his statement of claim on a number of grounds alleging therein that the claimant was engaged for a short period under special circumstances to complete the work with effect from 1-9-98 to 30-9-98 as a daily rated casual worker and he was paid for the same. After the completion on this specifically job his services stood terminated automatically. It is also denied that after the termination of the services of the workman the opposite party has inducted any fresh hands in place of his. Therefore, the opposite party has claimed that the claimant is not entitled for any relief.
8. Rejoinder has also been filed by the workman but nothing new has been pleaded therein except reiterating the facts already pleaded by him in his statement of claim.
9. Claimant has filed 11 documents vide list 17/1 and 34 documents vide list 18/1-2 along with copy of log book.
10. Whereas the opposite party has specifically alleged in their written statement mainly the certificate regarding the working period which was filed before the ALC as well as before the court are fictitious and forged.
11. Both the parties have adduced oral evidence. Claimant has adduced himself as W.W.I Sri Manoj Kumar where as opposite party has produced Sri Satya Kumar SDO Telecom as M.W.I.
12. Heard and perused the record.
13. Opposite party has specifically stated through its witness M.W.I that the claimant was engaged for specific job for a short period from 1-9-98 to 30-9-98 as a daily rated casual worker and his wages were paid for the same. He was not issued any appointment letter. After the completion of the work his services stood automatically terminated. It is also stated that there is a relation of claimant employed with the opposite party which has been accepted by the claimant also and his name is Sri Raj Kumar who is appointed as a Lineman. Opposite party has claimed that all these documents filed along with list 17/1 or 18/1-2 particularly certification of working period as has been described are forged and fictitious. It is alleged that the two certificates which are paper No. 12/5-6, which has been filed by the opposite party along with the written statement showing the working period of the claimant are forged and fictitious. It is alleged that the claimant has made out a case in his statement that he had been engaged in service since March 1997 with the opposite party, whereas the certificate paper No.12/5, which has been filed by the opposite party along with their written statement which starts from March 1997 and this certificate also shows that there is also entries of working period of the workman is there for the period Jan 97 and Feb 97 which is self contradictory.
14. These certificates have also been filed by the claimant vide list 17/1. These papers are 17/6 and 17/7. Paper No.17/6 appears to be the same copy which have been filed by the opposite party as paper No.12/5, but what happens again the claimant has filed these papers vide list 18/1 and these paper are 18/3-4. In paper No.18/4 it appears that he has forged and concocted the entry which relates to the period Jan 97 and Feb 97 which was being depicted in paper no.12/5 but in paper no. 18/4 filed by the claimant what has been done, instead of year 1997 he mentioned the year as 1998 instead of 1997, which appears to be false. Moreover the documents do not bear the signature of the competent officer SDO, whereas paper no.12/5 and 12/6 it is alleged by the opposite party that the signatures of JTO and others are forged one which have been obtained by the claimant in connivance with some other officer.
15. Claimant have filed the photocopies of other letter and copy of log book vide list 18/1-2 original is not on the file. The summoning application of the claimant was rejected by my learned predecessor as he has not complied with the direction of the court therefore, it cannot be said that the opposite party has failed to produce the original documents. Opposite party has specifically stated that all the documents filed by the claimant are forged and this statement has also been given before the court on evidence by MW.I.

16. It alleged by the claimant in his statement that his wages were being paid through voucher but no such copy of voucher has been filed, neither efforts were made to summon the vouchers from the opposite party by the claimant.
17. Therefore, there is no cogent documentary evidence on the file wherein it can be proved that the claimant had been working since March 1997 till the date of termination 7-11-98. On the contrary the evidence filed by the opposite party is believable and there appear no reason to discard the statement of MW.I. The statement adduced by the workman W.W.I does not inspire the confidence.
18. Hence considering the facts and circumstances of the case it is found that the claimant has failed to prove his case. Consequently the claimant is held entitled for no relief pursuant to the present reference order.
19. Reference is therefore, answered against the claimant and in favour of the opposite party.

RAM PARKASH, Presiding Officer

नई दिल्ली, 26 अप्रैल, 2012

का.आ.1788.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर, वी.एस.एन.एल. झांसी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, कानपुर के पंचाट (संदर्भ संख्या 16/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2012 को प्राप्त हुआ था।

[सं. एल-40012/57/2007-आईआर (डी.यू.)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 26th April, 2012

S.O. 1788.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the General Manager, BSNL, Jhansi and their workman, which was received by the Central Government on 26-4-2012.

[No. L-40012/57/2007-IR (DU)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOR COURT, KANPUR.

Industrial Dispute No. 16 of 2008

Between:

Sri Mahendra Kumar Ahirwar,
Son of Sri Moti Lal,
Village Hati, Post Nohta,
District Jhansi

And

General Manager
Bharat Sanchar Nigam Limited,
Jhansi Division,
Old Exchange Building,
Lilt Pur Road, Jhansi

AWARD

1. Central Government MoL, New Delhi, vide notification No. 40012/57/2007-IR (DU) dated 31-12-2007 has referred the following dispute for adjudication to this tribunal.
2. Whether the action of the management of the General Manager, Bharat Sanchar Nigam Limited, Jhansi in terminating the services of their workman Sri Mahendra Kumar Ahirwar with effect from 10-7-2005 is legal and justified? If not to what relief the workman is entitled to?
3. Briefly stated facts of the case are that the claimant was engaged by the opposite party as a casual labour on 1-5-2001 and had worked at Katera and Uldan Doorsanchar Kendra under Maujanipur. His services were dispensed with by the opposite party by an oral order dated 10-7-05. It is alleged by the claimant that he worked continuously for more than 240 days during the intervening years and had performed the work on the oral instructions of the officer of the opposite party. Temporary employees working under the opposite party have been given the benefit of regular and permanent employees. It is also alleged that the names of casual employees working under Jhansi Division has been sponsored for regular and permanent employment to the General Manager's office in pursuance of letter dated 12-10-98, but his name was not forwarded for consideration. It is also alleged that the claimant was being paid his wages at Rs. 1200 per month after obtaining his signature at the reverse of the vouchers. The records relating to his employment is in the possession of the opposite party. It is further pleaded by the claimant that for efficient service generator set were installed at the telephone exchanges and the applicant used to operate the generator, used to make entries in the relevant register regarding consumption of diesel and to attend the complaints of the customers on telephone etc. The claimant vide its letter dated 21-5-05 addressed to the General Manager made a request for payment of arrears of wage which annoyed the management and he was forcibly terminated by the opposite party without any orders in writing. Lastly it is alleged by the claimant that after the termination of the services of S/Sri Dilip Kumar and Narendra Kumar from 30-3-03 who were engaged on casual basis, the claimant was asked to perform the work at their place at the place of their posting but he

- was not paid his wages at enhanced rate. On the basis of above it has been prayed that the opposite party be directed to reinstate the claimant with continuity of service and back wages.
4. The claim of the claimant has been vehemently denied by the opposite party on a number of grounds, inter alia, that it is wrong to allege by the claimant that he ever worked at the places as disclosed by him in his claim as a casual worker under Jhansi Division of the opposite party or his services were ever removed by the opposite party on 10-7-05 by oral order. It is also denied that the claimant was ever engaged by the opposite party as casual worker nor he worked under them at any point of time. No relationship of master and servant exists between the opposite party and complainant. It is alleged that the claimant had never been appointed or engaged, so question of termination do not arise by an oral order. It is reiterated that the workman has not worked even for a single day. He has not worked for 240 days. It is wrong to say that the workman was being paid Rs.1200 per month after putting his signature on the back of the vouchers. Whatever records have been filed by the workman is false and forged. There is no attendance register of the employees in Doorbhash Kendra; therefore, the attendance register filed by the workman is forged one. Therefore the claim of the claimant is liable to be dismissed being devoid of merit.
 5. Claimant has filed several documents, some of the documents alleged to be in the original shape and the rest documents are photocopies vide list dated 23-3-2010. The relevancy of the documents will be discussed during the course of appreciation of the evidence.
 6. One register which is alleged to diesel engine register which was filed in I.D. Case No. 8 of 2005, Jitendra Kumar Yadav versus General Manager has also been summoned; photocopies of the same are also filed.
 7. Claimant has produced himself in evidence as W.W.1 as a witness. There is no oral or documentary evidence adduced by the opposite party.
 8. I have perused the statement of W.W.1. He has stated on oath that he was engaged on 1-5-2001 as a casual labour at sub-division Mauranipur and Jhansi by a competent officer. It is also stated that he was being sent on duty at Uldan Doorbhash Kendra and Gursai Doorbhash Kendra by SDO Mauranipur, there he used to work to operate the diesel engine. He used to record the reading of diesel engine, he was also asked to attend the telephone complaints along with the permanent employees. This is a fact that opposite party has not adduced any oral or documentary evidence. They have alleged in their w.s. that the documents filed by the claimant are forged one but the opposite party has failed to produce any witness in the court to say that all these documents are forged, whereas the claimant has filed several documents some of which are in original shape. Paper nos. 1 to 16 some of which are printed copy of the original. These are filed service report regarding the diesel engine repair and checking and most of these reports bears the signature of claimant Mahendra Kumar showing him to be engaged and posted at Doorbhash Kendra Uldan. These are of the different period of the years 2003 and 2004. Opposite party has put in several questions ill the cross on the papers that is how it came in his hands. It has been explained by him in the cross saying that the record was kept in the office and one of the clerk of the office has provided him these documents. There is also original diesel engine register of Gursai Kendra Jhansi and also bears the seal of the office. It has been stated by him on oath that in this register he has recorded a number of entries regarding the consumption of diesel. He has also stated on oath that this register was checked by SDO Sri K. N. Shukla on 10-12-02 and on different dates and by Sri C.L. Awasthi JTO on 2-4-03 and on different dates. It is specifically stated that they have put their signatures on this register. It is also stated that there is signature of the workman on this register. I have examined this register. In the year 2002 there is signature of Sri Mahendra Kumar and on other dates. Prima-facie it appears that this register is not forged one when he is specifically stating the names of these officers of the opposite party. Now it was incumbent upon the opposite party to produce these officers in evidence who could have challenged the authenticity of this register. They have not explained that this register is also false. I have examined the cross of the witness on this point also. There is nothing in the cross which may be lie his statement on this point.
 9. Claimant has also filed several other papers like paper nos. 17 to 32. Most of these are the application in original. It has been stated on oath by the claimant that he was asked to remove the telephone complaints sometime with the permanent staff of telephone exchange and sometime independently. Out of these papers some of the paper is on the printed form of the opposite party like paper No. 22. It also bears the stamp of the office. It is stated by W.W.1 that these telephone numbers were out of order and he was asked to look after and it bears his name also. I have also examined the paper nos 37 to 54. It is also stated by him that under the orders of the officers he used to obtain articles from the store.
 10. Therefore, in my view the claimant has filed the documentary as well as oral evidence to prove his case. The documents show that he was engaged by the opposite party. If all the documents are forged

one as alleged by the opposite party it was incumbent upon them to have produced the witness specifically the officers who have been named by the claimant in his evidence. Despite several opportunities the opposite party has failed to produce any oral evidence or documentary evidence to deny the version of the claimant. Therefore in such circumstances, there is no reason to disbelieve or discard the evidence of the claimant.

11. From the evidence oral as well as documentary it can so be inferred that there is continuity in his engagement as a casual labour because most of the papers are of the period of 2004, therefore, it cannot be said that there is no continuity in the service of the complainant. As such the version of the applicant can be accepted on this point that his services were removed by the opposite party by an oral order on 10-7-05.
12. Therefore, from the evidence of the workman it is clear that he has been able to prove that he had worked contentiously and had worked for more than 240 days preceding 12 calendar months i.e. 10-7-05 that is the date of removal of his service.
13. It is also admitted fact that the workman has neither been given any notice, notice pay or retrenchment compensation by the opposite party prior to his termination of service thus the opposite party have breached the provisions of section 25F of the Act. Under the circumstances a right has been accrued in his favour for his reinstatement in the service of the opposite party.
14. Accordingly it is held that the action of the opposite party in dispensing with the service of the workman w.e.f. 10-7-05 is neither legal nor justified accordingly the opposite party is directed to reinstate the workman in the service with back wages @ of 50% and continuity of service.

RAM PARKASH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2012

का.आ. 1789.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अमन्यायालय, कानपुर के पचाट (संदर्भ संख्या 57/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-4-2012 को प्राप्त हुआ था।

[सं. एल-12012/366/1997-आईआर (बी-11)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 27th April, 2012

S.O. 1789.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 57/1998) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 16-4-2012.

[No. L-12012/366/1997-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR.

Industrial Dispute No. 57/98

Between:

Vice President,

UCO Bank Staff Association,
C/o U.P. Bank Employees Union,
10/2 Patrika Marg, Civil Lines, Allahabad.

And

The Zonal Manager, UCO Bank,
23, Vidhan Sabha Marg,
Lucknow.

AWARD

1. Central Government, MoL, New Delhi vide notification no. L-12012/366/97/IR-(B-II) dated 31-3-98, has referred the following dispute to this tribunal for adjudication—

2. Whether the action of the management of UCO Bank in terminating the service of Sri Munna Singh Yadav with effect from 10-5-97 is legal and justified? If not to what relief the said workman is entitled and from what date?

3. Brief facts are—

4. It is alleged by the claimant that there was a sanctioned strength of 3 subordinate staff viz., one Daftary, One cash peon and one peon at Chopan Branch of UCO Bank. In course of time the peon and later on the daftary being transferred on promotion, vacancies of two hands were fell vacant in the aforesaid branch. In order to cope up with the work the Manager Chopan Branch designated the cash peon Sri Tej Bali as Daftary and appointed Sri Munna Singh Yadav as temporary peon from 30-6-92. In course of employment he was required to perform all the duties of a peon in the bank. He was required to work for full office hours. Despite this, instead of being paid the salary prescribed for a peon in this bank, he was paid Rs. 25 per day excluding Sundays and holidays. The payments were usually made on weekly basis. In this way the bank had indulged in unfair labour practice. He continued to work since 30-6-92, but the bank did not absorb him in the permanent service of the bank. Under the circumstances he submitted a representation on

25-4-97, requesting to absorb him in permanent service of the bank. Instead of considering the request the bank terminated the service of the bank with effect from 10-5-97, without assigning any reason and without issuing any notice or without making payment of retrenchment compensation. Thus he had worked continuously since 1992 to 10-5-97. Therefore, he worked for more than 240 days every year including one year preceding the date of his termination. In this way provisions of section 25F of Industrial Disputes Act have been breached by the opposite party bank.

5. On the basis of above grounds it has been prayed that the action of the opposite party bank in terminating the services of the claimant be held illegal and the claimant is liable to be reinstated in the service of the bank with full back wages, continuity of service and with other consequential benefits.

6. Opposite party had filed the written statement. It has been stated by them that Sri Munna Singh was engaged for fetching water in the branch or other similar misc. work. He was engaged according to the need of the work. His work in the branch was hardly for two to three hours a day. For this purpose he was paid the compensation on daily basis by the branch. The post of fetching water etc., is not a sanctioned post within the purview of Bipartite Settlement dated 19-10-66. He was engaged on contractual basis for fetching water as the bank is engaging other persons for other misc. work like repair of furniture etc. The work contract started from the time he started doing the same and it was ended no sooner it was completed. Thus his case is governed by section 2(oe) (bb) of the I.D. Act, 1947.

7. He was never appointed in the bank service in subordinate cadre at Chopan branch of the bank with effect from 30-6-92 on temporary basis against permanent vacancy of subordinate staff where he worked till 10-5-97. He was never paid the salary from time to time. He never worked for more than 240 days in 12 consecutive months. Recruitment in the bank is made under a set procedure laid down. When he was not recruited the question of termination of his service on 10-5-97 does not arise. Therefore, the bank has not committed any breach of any of the provisions of the Industrial Disputes Act.

8. Therefore, the bank has stated that the claim of the claimant is not maintainable being devoid of merit and is thus liable to be rejected without granting any relief to him as claimed in the claim petition.

9. Claimant has also filed rejoinder in the case but nothing new has been pleaded therein except reiterating the facts already pleaded by him in the claim petition.

10. Claimant has filed oral as well as documentary evidence in support of his case, whereas opposite party has adduced oral evidence in support of his pleadings. There is also a joint inspection report which is paper no. 9/ 1-5 which is exhibit W-6 on which both the contesting parties have relied.

11. I have heard the arguments of the contesting parties at length and have also gone through the file carefully.

12. The short question to be decided in the case is whether any right has accrued to the claimant Sri Munna Singh under the provisions of I.D. Act and if yes whether the opposite party has Committed breach of any of the provisions of Industrial Disputes Act, 1947.

13. It has been admitted by the opposite party that the claimant was engaged on 30-6-92 for fetching the water and for doing other similar misc. work. His disengagement on 10-5-97 has also not been disputed. Claimant in his oral evidence as W.W.1 Sri Munna Singh. Yadav and his witness W.W.2 Sri Avdhesh Narain Lal has specifically stated on oath that Sri Munna Singh was appointed on 30-6-92 on the post of peon and he was doing the work of peon for the whole day.

14. But he has admitted that he was being paid daily wages charge initially at the rate of Rs.25 per day and later on Rs.45 per day.

15. The next point in this respect to be determined is whether he was appointed against any sanctioned post through a regular procedure. The claimant has admitted that he was not issued any appointment letter or termination letter, his name was not called from employment exchange, there was no advertisement. Opposite party is a public sector body. For recruitment they have their own set of procedure to fill up the regular vacancies, the branch manager does not have the power to deviate the procedure.

16. The opposite party has adduced two witnesses by name Sri Yogesh Kumar M. W. 1 who is Branch Manager and W.2 Sri Ashok Kumar Srivastva. I have examined the oral evidence. From the evidence it is inferred that Sri Munna Singh was not appointed against a sanctioned post on temporary basis by following the recruitment process.

17. Now the question is whether any right has accrued to the claimant under the provisions of section 25F of I.D. Act.

18. Claimant has filed 5 document viz list 17/1 and these are copy of application given by the claimant to the bank, copy of vouchers, copy of joint representation of the staff and other documents in the shape of photocopies. But the important document is joint inspection report which is Ext. W-6 on which both the parties have relied. M. W.2 has stated that this joint inspection report bears his signature; therefore this document is having great import and is readable in evidence. I have examined this document. This document shows the continuity of his engagement since 4-7-92 to 13-5-97. Thus on the basis of this documentary evidences as well as oral evidence it can very easily be inferred that the workman had been in continuous employment for more than 240 days preceding 12 calendar months from the date of his termination that is 10-5-97. The

heading of this document is - Details of Payments made to Sri Munna Singh Yadav in connection with his employment against sanctioned vacancy in the bank. The A.R. of the claimant has stressed that Sri Munna Singh was appointed against a sanctioned vacancy, but I have already given my finding that there does not appear to be any cogent evidence from which it can be inferred that he was appointed against a sanctioned post after following a prescribed procedure laid down for regular recruitment.

19. The claimant has placed reliance upon a decision 2001 Lab IC 649 SC I the case of Gujarat Agriculture University versus Rathod Labhu Bechar. I respectfully agree with the principle laid down by the Hon'ble Apex Court. That case mostly relates to the regularization of workers who had put in long service and there was also a proposed scheme for regularization of such workers.

20. But considering the facts and circumstances of the present case I find that the claimant cannot take any help of this ruling because there is no such scheme to regularize the temporary employees or casual employees who had put in long service.

21. Opposite party has also placed reliance upon a decision 1997 (76) FLR page 237 in the case of Himanshu Kumar Vidyarthi versus State Bihar and others. In this case the Hon'ble Apex Court has held that service of a daily wager, a temporary employee is terminated, he had no right to the post. His disengagement held not arbitrary. His case cannot be treated under the Industrial Disputes Act. I respectfully agree with the decision of the Hon'ble Court.

22. The A.R. of the claimant stated that this case was not considered as a case under the provisions of Industrial Disputes Act, 1947. In this decision the Hon'ble Apex Court has found that every department of government cannot be treated to be an industry.

23. But considering the facts and circumstances of the present case I am of the view that the opposite party is an industry within the definition of section 2(j) of the Act. The opposite party has categorically admitted the engagement of the complainant continuously. Now the burden has shifted on the opposite party that the claimant was engaged on contractual basis and his work has ceased on the expiry of the terms of contract. But the opposite party has not produced any cogent evidence that the claimant was engaged on contractual basis for fetching water. They have specifically admitted that he was also engaged for similar other works. Claimant has stated on oath that he was engaged for the whole day. Therefore, the claimant has been able to prove that he was engaged as a temporary employee/labour on daily wage basis and he has completed 240 days preceding 12 calendar month from the date of his termination therefore, his case is fully protected under the provisions of section 25F of Industrial Disputes Act, 1947, because opposite party has not issued any notice or paid retrenchment compensation at the time dispensing the services of the claimant, therefore, in my

considered view the opposite party has committed breach of section 25F of I.D. Act. Therefore, the point as well as the reference is decided in favour of the claimant and against the opposite party.

24. The claimant is entitled to be reinstated in service. Considering the facts and circumstances of the case he is also held entitled for wages at the rate of 50%. Opposite party is directed to comply with the direction of the award accordingly preferably within 30 days from the date of publication of the award.

25. Therefore, the reference is answered accordingly in favour of the workman and against the opposite party.

RAM PARKASH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2012

का.आ. 1790.—औद्योगिक विवाद अधिनियम, 1947 (1947

का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट (संदर्भ संख्या 58/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-4-2012 को प्राप्त हुआ था।

[सं. एल-12011/67/2002-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 27th April, 2012

S.O. 1790.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/2002) of the Central Government Industrial Tribunal/Labour Court Kanpur as shown in the Annexure, in the industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 16-4-2012.

[No. L-12011/67/2002-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No.58 of 2002

Between-

The President,

UCO Bank Staff Association,
C/o Sri B. P. Saxena, 426-W-2,
Basant Vihar, Kanpur.

And

The Regional Manager,

UCO Bank,
Regional Office, 23 Vidhan Sabha Marg,
Lucknow

AWARD

1. Central Government MoL, New Delhi vide notification No.L-12011/67/2002 IR (B-II) dated 12-7-02 has referred the following dispute for adjudication to this tribunal.

2. Whether the action of the management of UCO Bank in imposing the stoppage of two annual increments with cumulative effect upon Sri L. M. Bajpai, clerk is justified and legal? If not to what relief the concerned workman is entitled to?

3. Brief facts are—

4. The present claimant Sri Lalit Mohan Bajpai is presently posted as clerk at Dhauli Pieu Branch Mathura of opposite party bank. It is stated that prior to his transfer from Kanpur to Mathura he was posted at banks Armapore Branch where he was served with charge sheet dated 9-10-99. The enquiry officer commenced the inquiry on 11-1-2000 and concluded the same on 29-11-2000, where after he received show cause notice no.... dated 30-1-2001 and the workman also attended personal hearing. It is stated that a perusal of the proposed punishment and the punishment inflicted will reveal that the same are incongruous. Apart from above it has also been pleaded that the charge sheet is invalid and illegal being signed by the Regional Manager (Branches). It is stated that in terms of paragraph 3(b) of the Bipartite Settlement dated 31-10-79, the Chairman & Managing Director of the bank appointed the Regional Manager as Disciplinary authority vide his order dated 28-9-97. Subsequent to the above Deputy General Manager vide circular dated 19-6-98 advised to all concerned that the Regional Manager (Branches) shall be responsible for all the duties and functions as handled by erstwhile Regional Manager. Since Regional Manager Branches has not been appointed as Disciplinary Authority in terms of paragraph 3(b) of the Bipartite Settlement dated 31-10-79, the charge sheet is invalid and illegal. Show cause notice and punishment inflicted by Chief Officer is illegal and invalid as he was not appointed as disciplinary authority by the Chairman and Managing Director of the Bank. In the show cause notice punishment of warning was proposed but as against it in the final order of punishment stoppage of one increment was inflicted and since the punishment cannot be enhanced in the manner done, therefore, punishment deserves to be set aside. There are various other grounds raised by the claimant but during the course of final argument it was conceded by the authorized representative that he will confine his arguments only on the point of competency of the authority which has inflicted the punishment upon the claimant, was argued therefore, there appears no need to give further factual details raised by the claimant in his statement of claimant.

5. Lastly it is prayed that the punishment being passed by an authority which was not competent to do so,

therefore, the punishment imposed upon the claimant is liable to be set aside.

6. The claim of the claimant was contested by the opposite party on a number of grounds but factual position of the case is confined only up to the extent of the competency of the authority which has awarded punishment. It is stated that Regional Manager (Branches) is a duly appointed disciplinary authority in terms of administrative order dated 11-9-98, passed the Chairman and Managing Director and circulated vide head office circular dated 8-10-98. The Chief Officer is the duly appointed disciplinary authority in terms of administrative order dated 21-6-2000 passed by the Executive Director as Principal Officer of the bank and circulated to all the branches vide circular dated 23-6-2000. It is absolutely incorrect to allege that the punishment of warning has been enhanced in to stoppage of one increment. All the contention raised by the claimant in reply to the show cause notice have duly been considered by the disciplinary authority before effecting final punishment on the claimant. The contention contrary to the above raised by the claimant are denied vehemently. Lastly it is prayed that the claim of the claimant is liable to be rejected being devoid of merit.

7. The opposite party along with the reply they filed charge sheet dated 9-10-99 in original which is paper no.8/2, proposed punishment order dated 30-1-2001 in original which is paper no.8/4-5, final order dated 14-3-2001 paper no.8/6-9, Appellate order dated 6-6-2001 paper no.8/10-12. Apart from above the opposite party vide list dated 7-1-2005 have also filed 52 documents paper no.13/1-13. These documents are the exhibited documents and have been filed before the enquiry by the management. Register in which inquiry proceedings have been recorded have also been filed.

8. Whereas the claimant has examined himself as W.W.I, management has examined its witness Sri V. N. Nigam as M.W.I.

9. I have heard the arguments of the parties at length and have perused the records carefully.

10. As I have found above that the representative for the claimant has conceded before the tribunal that he is not challenging the fairness of the inquiry but he will confine his arguments only on the point of appointment of disciplinary authority. Therefore, in view of it, I am not entering in to the merits of fairness of the inquiry, and accordingly it is held that the inquiry held by the opposite party against the claimant is just proper and fair.

11. It was argued by the representative for the claimant that the Chief Officer has not been appointed a disciplinary authority by the Chairman and Managing Director of the bank, the show cause notice proposing the punishment and the final order of the punishment both passed by him are invalid and illegal.

12. Therefore, the short question to be decided is whether the punishment awarded to the claimant was awarded by the competent disciplinary authority. Both the parties have relied upon the banks circular dated 21-6-2000 which is paper no. 8/9-11. This is an administrative order passed by the Executive Director/Principal Officer. I would like to reproduce certain paragraphs of this order—

Whereas an order dated October 21, 1988, was passed by the Chief Executive Officer of the Bank appointing disciplinary authority and appellate authority for the members of the award staff posted in different branches.

Whereas consequent upon the merger of certain Regional Office with the Zonal Office as a part of the rationalization of the organizational structure of the bank, an order dated 10-1-98 was passed by the Chief Executive Officer of the Bank appointing disciplinary authority or the members of the award staff posted in branches

13. Whereas consequent upon reorganization of the banks administrative structure and abolition of zonal tier as advised vide office notification no. dated 26-5-2000, it is necessary to change the disciplinary authority and appellate authority for the members of the award staff posted and working in different branches of the bank. Accordingly, I, in exercise of the powers conferred on me under clause 19.14 of the settlement industrial dispute between certain banking companies and their workman dated 19th October 1966 as amended from time to time make the following appointment of disciplinary authority and appellate authority in supersession of the order dated 10-1-98, 21st October 1988 and earlier order passed in this connection.

14. Now the question is whether the executive director derived the powers lawfully in terms of clause 19.14 of the settlement dated 19-10-66.

15. I would reproduce the provision of the clause 19.14 of the Bipartite Settlement. It states likewise, the Chief Executive Officer, or the Principal Officer in India of a bank or an alternative officer of the Head Office or principal office nominated by him for the purpose shall decide which officer (i.e. the disciplinary authority) shall be empowered to take disciplinary action in the case of each office or establishment. He shall also decide which officer or body higher in status than the officer authorized to take disciplinary action shall act as the appellate authority to deal with or hear and dispose off any appeal against orders passed in disciplinary matters.

16. According to this the powers have been conferred on four officers viz. (1) The Chief Executive Officer, (2) The Principal Officer in India of a Bank, (3) An alternate officer

at the Head Office and (4) Principal office nominated for the purpose.

17. I have examined the order dated 21-6-2000 passed by the Executive Director / Principal Officer. This order has been passed as back as in the year 2000. This order has not been challenged anywhere either by the Chief Executive Officer or in any other proceedings. Nomination may be by even on the verbal directions of the Chief Executive Officer. This order also provides that the previous orders passed on 10-1-98 and 21st October 1988 stands superseded. Therefore, there is a legal presumption that this order has been passed by competent officer.

18. Therefore, according to the third part, Executive Director comes under the purview of an alternate officer of the Head Office. Executive Director is the person who discharges all the function of the bank at the head office. Similarly the Executive Director has drawn his power from Para 19.14 of the BPS, dated 19-10-66. Therefore, the contention of the opposite party that the disciplinary authority has been lawfully empowered by the bank is tenable. Similar appointment of the appellate authority is lawful and there does not appear to be any breach of the provisions of the BPS as well as in the appointment of the appellate authority.

19. I have gone through the statement of both the witnesses adduced by both the parties. As I have already observed that the inquiry has not been found defective as there was no argument or contention in this respect before me even after specifically enquiring from the auth. Representative for the claimant, therefore, the claimant cannot take any advantage from the statement of W.W. I.

20. Therefore, the contention raised by the claimant that the punishment imposed by the disciplinary authority as he was not competent to impose the punishment as he was not properly appointed is not tenable.

21. Therefore in my considered view of the matter it is held that the punishment inflicted upon the claimant is just, fair and proper as it was inflicted upon by a validly appointed disciplinary authority.

22. Therefore, considering over all facts, circumstances and evidence of the case, I am of the view that there is no illegality or perversity on the action of the bank and the workman has rightly been punished by the disciplinary authority.

23. Accordingly it is held that the action of the management is just and fair and consequent upon the same the claimant is not entitled to any relief.

24. Reference is therefore, answered against the claimant and in favour of the opposite party.

RAM PARKASH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2012

का.आ. 1791.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 40/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-4-2012 को प्राप्त हुआ था।

[सं. एल-12012/284/1996-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 27th April, 2012

S.O. 1791.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 40/2006) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 16-4-2012.

[No. L-12012/284/1996-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE SRI RAM PARKASH, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 40 of 2006

BETWEEN:

Mohd. Mehtab Alam,
Son of Mohd. Shaukat Ali,
Resident of 99/187,
Begam Gunj,
PS Bajaria,
Kanghi Mohal,
Kanpur.

AND

The Assistant General Manager,
Allahabad Bank,
Swarup Nagar,
Kanpur.

AWARD

1. Central Government Mol, New Delhi vide notification No. L-12012/284/96-IR(B-II) dated 15-5-06, has referred the following dispute to this tribunal for its adjudication—

2. Whether the action of the management of Allahabad Bank in terminating the service of Sri Mehtab Alam Driver/Peon with effect from 15-6-95 is legal and

justified? If not to what relief the disputant concern is entitled?

3. In the instant case after the exchange of pleadings between the parties application paper no. 9/1 was came up for hearing on 23-9-11, but when the case was taken up none appeared from the side of the workman, therefore, the said application was rejected as not pressed, thereafter the case was fixed for the evidence of the parties.

4. On 4-11-11 when the case was taken up for the evidence of the parties none appeared from the side of the workman nor any evidence was led in the case from the side of the claimant on this the management representative also submitted before the court that when there is no evidence from the side of the claimant, under these circumstances they also do not file any evidence. Thereafter the case was reserved for award.

5. Considering the above circumstances of the case the tribunal is of the firm view that the claimant has palpably failed to adduce evidence in support of his case as also the tribunal is of the opinion that it is a case of no evidence, therefore, in the above circumstances it is held that the claimant is not entitled to claim any relief in the case and the reference is bound to be decided against the claimant and in favour of the management.

6. Reference is answered accordingly.

RAM PARKASH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2012

का.आ. 1792.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जनरल मैनेजर (नार्थ) वी.एस.एन.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 11/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-2012 को प्राप्त हुआ था।

[सं. एल-40011/01/2010-आई आर (डी यू)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 27th April, 2012

S.O. 1792.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.11/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the General Manager (North) BSNL and their workman, which was received by the Central Government on 27-4-2012.

[No. L-40011/01/2010-IR (DU)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI.**

Friday, the 20th April, 2012

Present: A.N. JANARDANAN, Presiding Officer

INDUSTRIAL DISPUTE No. 11/2010

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of BSNL and their Workman]

BETWEEN

Sri N. Kirupalan : 1st Party/Petitioner

Vs.

The General Manager (North) : 2nd Party/Respondent
Bharat Sanchar Nigam Limited
Chennai Telephones
No. 39, Rajaji Salai
Chennai-600001

Appearance :

For the 1st Party/ Petitioner : Sri V. Ajoykhose, Advocate
For the 2nd Party/ Management : M/s. B. Mohan, Advocate

AWARD

The Central Government, Ministry of Labour and Employment vide its Order No. L-40011/1/2010-IR(DU) dated 25-3-2010 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the management of General Manager (North), BSNL, Chennai in terminating the services of their workman Sri N. Kirupalan w.e.f. 12-10-2007 is legal and justified? If not, what relief the workman is entitled to?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as I.D. 11/2010 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their Claim and Counter Statement as the case may be.

3. The averments in the Claim Statement bereft of unnecessary details are as follows :

The petitioner who joined service under the Respondents as a Casual Labour on 1-8-1975 and regularized as Group "D" employee on 20-12-1979 was removed from service by order dated 12-10-2007 for unauthorized absence. He had already rendered 30 years of unblemished service. He stood promoted as Liftman on 20-9-1980, promoted as LDC on 17-2-1987, promoted as Telecom Office Asstt. (General) on 9-9-1992, promoted as Senior Telecom Office Asstt. (G) on 1-05-1996 and promoted as Section Supervisor Officiating Asstt. (SSO) on 17-2-2003. In his entire career he never received any memo or punishment. He received appreciation from one and all. He was workaholic and punctual in work which did not require any supervision or control for being carried out. Though affected with Hydrocele he could not avail remedy due to financial constraints in his big joint family. He had his four daughters, sister and mother-in-law apart from his wife, a chronic patient residing with him. His Sister and Mother-in-Law died one after the other who had been taking care of his wife's health and other domestic needs. Thereafter he himself had to take care of everything. He was put in mental and financial pressures and crisis and was forced to take leave on certain occasions to cope up with the adverse family circumstances. Though he sent letters when he had to take leave after April 2004, nine charge memos were issued to him by the Respondent alleging unauthorized absence ultimately imposing punishment of reduction in pay by 2 stages for 3 years. He was also forced to take leave during October, November and December, 2005 due to continued adversity. He was allowed to rejoin duty after the leave periods only on satisfaction of the reasons for his inability to attend duty. However he was issued a Charge Memo for unauthorized absence without leave and intimation on :

- (i) 10-10-2005 to 15-10-2005 = 6 days
- (ii) 25-10-2005 to 29-10-2005 = 5 days
- (iii) 3-11-2005 to 24-11-2005 = 22 days
- (iv) 27-11-2005 to 31-12-2005 = 35 days

A one day enquiry was commenced and concluded holding the charges proved. Memo was issued treating the period as *Dies Non* which was without giving notice or calling for his explanation. His above leave was at a time when his wife became ill after the death of his Sister and Mother-in-Law necessitating his having to take his wife to Hospital over and above his own Hydrocele problem. Over and above *Dies Non* for the very same misconduct he was removed from service on 12-10-2007. His appeal was rejected on 9-4-2008. ID raised having ended in a failure report the reference is occasioned. Extreme penalty of removal is illegal and unjust and the same is to be set aside. The Enquiry Officer should have allowed the petitioner to let in evidence in support of his case negation of which is against principles of natural justice vitiating the enquiry. Finding is biased and perverse.

There is no application of mind by the authorities. The explanation of the petitioner had neither been denied nor disputed. The authorities had taken into account new facts and the allegations which were not mentioned in the Charge Memo, behind his back, which is illegal and violative of principles of natural justice. His long unblemished record of service was not at all considered vitiating the punishment. Alleged unauthorized absence subsequent to the charge memo was relied on without any fresh charge memo or enquiry therefor. These extraneous factors weighed with the authorities to conclude a grave misconduct committed by the petitioner to impose shockingly disproportionate punishment. The action lacks bonafides amounting to factual and legal victimization apart from unfair labour practice and prohibited under Section-25(T) and punishment under Section-25(U) of the ID Act. The conduct of the Disciplinary Authority to have sought for opinion of higher authority to impose punishment is biased and malafide which is legally impermissible and unsustainable in law. Imposition of more than one punishment is especially liable to be interfered with under Section-11A. While so, he attained the age of superannuation on 30-4-2009 and has been without employment thereafter. Hence he is to be given a paper reinstatement with all benefits with his entitlement for all terminal benefits including pension, arrears thereof with interests and costs.

4. The Counter Statement averments briefly read as follows :

Petitioner is only Senior Telecom Oprg. Asstt. and not a Section Supervisor. He had been proceeded against for similar misconduct even on earlier occasions which resulted in his termination of service. No intimation of absence was given by him and only because of that he was charge sheeted. Allowing to join duty after his unauthorized absence does not vest a right on him. Management adhered to the principles of natural justice and process of law. No explanation for the unauthorized absence was given by the petitioner despite due opportunity given. Punishment is commensurate to the gravity of the misconduct. Provisions of extant rules have been strictly adhered to by the Management. The claim is to be dismissed with costs.

5. Points for consideration are :

- (i) Whether the termination of services of the petitioner w.e.f. 12-10-2007 by the Management is legal and justified?
- (ii) To what relief the concerned workman is entitled?

6. Evidence consists of the testimony of WW1 and Ex. W1 to Ex. W16 on the petitioner's side and Ex. M1 to Ex. M6 on consent but with no oral evidence adduced on the Respondent's side

Points (i) & (ii)

7. Heard with sides. Perused the records, documents and evidence. Contentions advanced on behalf of the petitioner are squarely in terms of the averments in the Claim Statement. It is argued that the petitioner has had given intimation or letter when he had to go on leave without applying for the same in advance which is due to his adverse family crisis including sickness of his wife who is a chronic patient and himself suffering from Hydrocele coupled with his financial constraints at his big joint family. There also supervened the unexpected death of his sister and mother-in-law who had been residing with him attending on his sick wife. The reasons for his absence have not been disputed or denied. He has had undisputed, unblemished service of 32 years. In the meantime he superannuated by 30-04-2009. He has never been indifferent in his duty. It was due to his inability to give an explanation then and there that he did not do so which he has fairly conceded before the Enquiry Officer. Of the two enquiries he had already disclosed his adverse circumstance in the earlier enquiry. His absence once after having been treated as *Dies Non* meaning No Work; No Pay is no longer to be visited with any other punishment. Due to unavoidable and compelling reasons he has had to remain absent without applying in advance for leave but it was after having given intimation or sent letters. His conduct of having absented without advance leave is not to be stretched to too a blameworthy conduct for imposing the impugned punishment of removal from service forfeiting a part of his terminal benefits. He is to be reinstated and allowed to superannuate on 30-4-2009 with entitlement for all terminal benefits including pension and pension arrears with interest and costs.

8. Contra arguments on behalf of the Respondent are that there has not been any forfeiture of his retiral benefits. What is disallowed is his service rendered prior to his absorption in BSNL from being reckoned with for pension. His reasons by way of explanation for his conduct were without any details regarding his constraints and were non-speaking so as to convince the management regarding his difficulties. It shows his attitude towards the management. Whether they are genuine or bona fide reasons were not brought home. For an earlier similar misconduct there was an enquiry held in which after finding him guilty of misconduct he was punished with a lenient punishment with stoppage of increment against which no appeal was preferred. In the second enquiry after granting the time sought for also there was no reply. Hence, the enquiry was started. He cannot say that he has had no chance to participate in the enquiry. The enquiry was held on 29-3-2006 and not on 24-8-2006 as deposed to by him. No much indulgence needs to be given to petitioner. His explanations had been available to him even from the inception, if they are true, which he is projecting now as an afterthought. His 32 years of unblemished service is

not a premium for his misconduct. No credence can be given to his version. It is an instance of mere pleading with no proof of the alleged crucial aspects.

9. Reliance was placed on the following decisions on behalf of the petitioner in :

KRUSHNAKANT. B. PARMAR VS. UNION OF INDIA AND ANOTHER (2012-3-SCC-178) wherein Supreme Court held “17. If the absence is the result of compelling circumstances under which it was not possible to report or perform duty, such absence cannot be held to be willful. Absence from duty without any application or prior permission may amount to unauthorized absence, but it does not always mean willful. There may be different eventualities due to which an employee may abstain from duty, including compelling circumstances beyond his control like illness, accident, hospitalization, etc., but in such the employee cannot be held guilty of failure of devotion to duty or behavior unbecoming of a government servant”.

THE CHAIRMAN-CUM-MANAGING DIRECTOR, COAL INDIA LTD. VS. MUKUL KUMAR CHOWDHURY AND OTHERS (2009-IV-LLJ-672) wherein Supreme Court held “28. Applying the doctrine of proportionality and following CCSU, VENKA TACHALIAH, J. (as His Lordship then was) observed: “The question of the choice and quantum of punishment is within the jurisdiction and discretion of the court martial. But the sentence has to suit the offence and the offender, It should not be vindictive or unduly harsh. It should not be so disproportionate to the offence as to sock the conscience and amount in itself to conclusive evidence of bias. The doctrine of proportionality, as part of the concept of judicial review, would ensure that even on an aspect which is, otherwise, within the exclusive province of the court martial, if the decision of the court even as to sentence is an outrageous defiance of logic, then the sentence would not be immune from correction. Irrationality and perversity are recognized grounds of judicial review”.

JAGDISH SINGH VS. PUNJAB ENGINEERING COLLEGE AND OTHERS (2009-III-LLJ-373) wherein Supreme Court held “Absence-Unauthorized absence- Disproportionate punishment- Major punishment of dismissal from service imposed on petitioner after receipt of report of inquiry officer that workman is guilty of alleged charge of unauthorized absence-Not a case of habitual absenteeism- Absence due to problem in daughter’s family-Having regard unblemished record of appellant punishment imposed by Disciplinary Authority modified to stoppage of two increments with cumulative effect.”

MADRAS FERTILIZERS LTD. REPRESENTED BY ITS EXECUTIVE DIRECTOR (PERSONNEL AND ADMINISTRATION), MANALI, CHENNAI VS. PRESIDING OFFICER, 1ST ADDITIONAL LABOUR COURT, CHENNAI AND ANOTHER (2006-III-LLJ-123)

the Hon’ble High Court of Madras held “For Continuous absence of workman from duty - Health condition of workman known to management - Discharge of workman, not proper - Award of Labour Court in favour of workman, merited no interference”.

The judgment of the High Court of Madras dated 12-8-2008 in Writ Appeal No. 801/2008 and NB No. 1/2008 rendered by the Hon’ble Mr. Justice S.J. Mukhopadhyaya (as his Lordship then was) and Hon’ble Mr. Justice Dhanabalan it was held “We are not inclined to accept such a submission of the TNSTC, as no person can ask for prior leave if he falls ill, as the illness does not come giving notice to a person”.

10. On an analysis of the entire facts and circumstances of the case and the rival contentions advanced on either side and having due reference to the decisions relied on behalf of the petitioner I am led to the conclusion that the punishment of removal is illegal and unjust. There is an element of double jeopardy in inflicting the punishment over and above treating the periods of absence as being “*Dies Non*”. The enquiry also cannot be said to be fair and proper. There is violation of principles of natural justice resulting in the enquiry being vitiated. Petitioner has had long unblemished record of service which should have weighed consideration with the Management for a lesser punishment. The punishment is shockingly disproportionate to the gravity of the misconduct too. Needless to say the punishment is liable to be set aside and the petitioner is to be ordered to be reinstated into service and deemed to have continued till 30-4-2009 on which date he attained the age of superannuation and it is so ordered.

11. Resultantly the petitioner is ordered to be deemed reinstated into service forthwith w.e.f. the date of his removal and deemed to have continued in service till 30-4-2009 without back wages but with continuity of service and all other attendant benefits together with his entitlement for the terminal benefits in full including pension counting the period prior to absorption under BSNL and arrears thereof but with no interest and costs.

12. The reference is answered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 20th April, 2012)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : WW1, Sri N. Kirupalan

For the 2nd Party/Respondent : None

Documents Marked:

On the Petitioner's side

Ex.No.	Date	Description	Ex.M4	6-1-2006	Memorandum of Charges issued on the second occasion to 2nd Party
Ex.W1	26-4-1989	Certificate of training course issued by the Department of Telecommunication	Ex.M5	17-1-2006	Reply-cum-request for extension of time by 2nd Party on Memo of Charges dated 06-01-2006
Ex.W2	3-1-2007	Certificate of training course issued by the NIIT.	Ex.M6	18-1-2006	Order by 2nd Party granting time to 1st party as requested
Ex.W3	28-12-2001	Certificate of training course issued by BSNL			नई दिल्ली, 27 अप्रैल, 2012
Ex.W4	11-1-2002	Certificate of training course issued by BSNL			
Ex.W5	21-10-2005	Order treating the period from 10-10-2005 to 15-10-2002 as dies-non			का.आ. 1793.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, कोटा के पंचाट (संदर्भ संख्या 04/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2012 को प्राप्त हुआ था।
Ex.W6	8-11-2005	Order treating the period from 25-10-2005 to 29-10-2005 as dies-non			[सं. एल-41012/250/99-आई आर (बी-1)]
Ex.W7	26-11-2005	Order treating the period from 3-11-2005 to 24-11-2005 as dies-non			रमेश सिंह, डेस्क अधिकारी
Ex.W8	8-3-2006	Notice of enquiry			New Delhi, the 27th April, 2012
Ex.W9	29-3-2006	Proceedings of the enquiry			
Ex.W10	12-10-2007	Order removing the 1st Party from service			S.O. 1793.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 04/2000) of Industrial Tribunal-cum-Labour Court, Kota as shown in the Annexure in the Industrial Dispute between the management of Western Railway and their workmen, received by the Central Government on 26-4-2012.
Ex.W11	26-12-2007	Appeal filed by the 1st Party			[No. L-41012/250/99-IR (B-I)]
Ex.W12	26-3-2008	Order passed by the Appellate Authority in the Appeal			RAMESH SINGH, Desk Officer
Ex.W13	9-4-2008	Letter communicating the order passed by the Appellate Authority in the appeal			अनुबंध
Ex.W14	8-8-2008	Appeal filed by the 1st Party the Chief General Manager (North)			न्यायाधीश, औद्योगिक न्यायाधिकरण, कोटा/केन्द्रीय/कोटा/राज./पीठासीन अधिकारी-श्री प्रकाश चन्द्र पगारीया, आर.एच.जे.एस. निर्देश प्रकरण क्रमांक:ओ. न्या./केन्द्रीय/-4/2000
Ex.W15	12-8-2008	Order declaring to consider the review petition filed by the 1st Party			दिनांक स्थापित : 17-2-2000
Ex.W16	20-5-2005	Previous Enquiry Report			
On the Management's side					
Ex. No.	Date	Description			
Ex. M1	26-5-2005	Forwarding letter of enquiry report of earlier disciplinary proceedings held against 1st Party			प्रसंग: भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या एल. 41012/250/99-आई आर(बी-1) दि. 15-12-99
Ex. M2	10-6-2005	Reply of 1st Party to letter dated 26-5-2005			निर्देश/विवाद अन्तर्गत धारा 10 (1) (घ) औद्योगिक विवाद अधिनियम, 1947
Ex. M3	26-7-2005	Punishment order passed on the 1st party on the earlier occasion			मध्य छगनलाल पुत्र श्री किशोरीलाल !
				प्रार्थी श्रमिक एवं
					डिविजनल रेलवे मैनेजर, वेस्टर्न रेलवे, कोटा ।
				अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि:- श्री अरूण कुमार शर्मा
अप्रार्थी नियोजक की ओर से प्रतिनिधि :- श्री श्याम गुप्ता
अधिनिर्णय दिनांक: 25-1-2012

आधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के उक्त प्रासांगिक आदेश दि. 15-12-99 के जरिये निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जावेगा) की धारा 10 (1)(घ) के अन्तर्गत इस न्यायाधिकरण का अधिनिर्णयार्थ सम्प्रेषित किया गया है :-

"Whether the action of the Western Railway, Kota Division in terminating the services of Shri Chagganlal former Gangman w.e.f. 16-9-85 is just reasonable and legal? If not to what relief the workman is entitled to?"

2. निर्देश/विवाद, न्यायाधिकरण में प्राप्त होने पर पंजीबद्द उपरान्त पक्षकारों को नोटिस/सूचना विधिवत जारी कर अवगत करवाया गया।

3. प्रार्थी श्रमिक की ओर से क्लेम स्टेटमेन्ट पेश किया गया जिसमें यह वर्णित किया गया कि प्रार्थी पश्चिम रेलवे में रेलपथ निरीक्षक, भवानीमण्डी के अधीन गैंगमैन के पद पर दि. 29-6-84 से कार्यरत था तथा गैंग संख्या 22 में धुआखेड़ी स्टेशन पर कार्यरत था। अप्रार्थी ने 16-9-85 से मौखिक आदेश से प्रार्थी को हटा दिया एवं हटाने से पहले ना तो कोई नोटिस दिया गया ना ही धारा 25-एफ अधिनियम के तहत कोई मुआवजा दिया गया तथा वह मौखिक आशवासन दिया कि जब भी उच्चाधिकारियों के आदेश आयेंगे उसे नौकरी पर रख लिया जायेगा। अप्रार्थी ने अन्य श्रमिकों को सेवा में रख लिया परन्तु प्रार्थी को नहीं रखा। प्रार्थी की सेवायें 120 दिन की पूरी होने पर उसे अस्थायी दर्जा देना था वह भी नहीं दिया तथा रेलवे स्थापना नियमावली के अनुसार प्रार्थी को प्राथमिकता के आधार पर नौकरी दिया जाना था परन्तु अप्रार्थी ने इसकी भी अवहेलना की तथा अन्य श्रमिकों को नौकरी दे दी तथा प्रार्थी से कनिष्ठ कई श्रमिकों को नियमित कर दिया परन्तु प्रार्थी को नहीं बुलाया गया। इस बाबत रेल मंत्री ने भी निकाले गये श्रमिकों को लेने का आदेश 1997 में दिया जिसकी भी अप्रार्थी ने पालना नहीं की। अप्रार्थी का 16-9-85 से प्रार्थी को सेवा से हटाने का कृत्य अवैध व अनुचित है। अतः अपने क्लेम स्टेटमेन्ट के माध्यम से प्रार्थी ने अप्रार्थी के इस कृत्य को अवैध व अनुचित घोषित करने के साथ ही उसे पुनः सेवा की निरन्तरता के साथ ब्रह्माल किये जाने व उसी अनुरूप सभी परिणामिक लाभ प्रदान किये जाने का निवेदन किया।

4. इसका जवाब अप्रार्थी की ओर से दिया गया जिसमें यह वर्णित किया गया कि प्रार्थी को आकस्मिक कार्य के लिए गैंगमैन के पद पर 29-6-84 को नियुक्त किया गया तथा आकस्मिक कार्य पर जो श्रमिक उपस्थित होता है उसे कार्य पर नियोजित किया जाता है। चाद में प्रार्थी श्रमिक स्वेच्छा से अनुपस्थित रहता था एवं अप्रार्थी के

नियोजन कार्य पर उपस्थित नहीं हुआ तथा अप्रार्थी ने अन्य कौन से कनिष्ठ श्रमिकों को नियोजित किया है, इसका भी उल्लेख नहीं किया है। प्रार्थी ने अप्रार्थी के यहां कोई प्रार्थना-पत्र पेश नहीं किया है। प्रार्थी स्वेच्छा से ही अपने कार्य पर उपस्थित नहीं हुआ तथा उसने किसी एक क्लेण्डर वर्ष में लगातार 240 दिन तक काम नहीं किया। अतः अपने जवाब के माध्यम से अप्रार्थी ने प्रार्थी का क्लेम स्टेटमेन्ट खारिज किये जाने की प्रार्थना की।

5. इसके पश्चात् साक्ष्य प्रार्थी में प्रार्थी छगनलाल स्वयं का शपथ-पत्र पेश हुआ। अप्रार्थी द्वारा उससे जिरह की गयी। तत्पश्चात् अप्रार्थी की ओर से एन.के.सैनी का शपथ-पत्र पेश हुआ, प्रार्थी की ओर से उससे जिरह की गयी। प्रार्थी की ओर से प्रलेखीय साक्ष्य में प्रदर्श ढब्ल्यू 1 लगा, ढब्ल्यू 6 तक के कागजात प्रदर्शित कराये गये। अप्रार्थी द्वारा प्रलेखीय साक्ष्य में प्रदर्श एम। पेश किया गया।

6. उभयपक्ष की साक्ष्य समाप्ति के पश्चात् बहस अन्तिम सुनी गयी। प्रार्थी की ओर से बहस के दौरान दलील दी गयी कि प्रार्थी ने 29-6-84 से 16-9-85 तक लगातार अप्रार्थी के यहां कार्य किया है, अतः एक क्लेण्डर वर्ष में 240 दिन से ज्यादा का काम हो जाता है। प्रार्थी को हटाने से पहले कोई नोटिस या नोटिस वेतन या मुआवजा आदि नहीं दिया गया। प्रार्थी से कनिष्ठ कई श्रमिकों को नियमित कर दिया था। प्रार्थी आज भी अप्रार्थी के यहां कार्य करने का इच्छुक है। प्रार्थी द्वारा अप्रार्थी के यहां 240 दिन से ज्यादा का काम करना प्रदर्श एम। से जाहिर होता है। प्रार्थी के 29-6-84 से 15-9-85 तक काम करने के तथ्य को अप्रार्थी ने भी अपने पत्र प्रदर्श ढब्ल्यू 2 में स्वीकार कर लिया है, अतः प्रार्थी सेवा में पुनः स्थापित होने का अधिकारी है। इस सम्बन्ध में प्रार्थी की ओर से "जिरेन्द्र सिंह राठौर बनाम श्री वैद्यनाथ आयुर्वेद भवन लि. व अन्य (1984) 3 एस.सी.सी. 5" के न्यायनिर्णय को उदृत किया गया है। इस मामले में प्रतिपादित किया गया है कि जहाँ कर्मकार का दुराचरण साबित हो जाता है तो ऐसे मामले में अधिकरण द्वारा पूर्व के आधे वेतन के साथ पुनर्स्थापना को उचित नहीं माना गया तथा पूरा एवं अर्ध वेतन अंलग-अलग प्रकार से दिलाया गया। एक और न्यायनिर्णय "जिला प्राथमिक शिक्षाधिकारी बनाम धननंजय कुमार शुक्ला-2008 (116) एफ.एल.आर. 728 (एस.सी.)" का उदृत किया गया। इस मामले में यह प्रतिपादित किया गया कि जहाँ जो तथ्य पक्षकारों द्वारा स्वीकार कर लिये जाते हैं तो उन्हें साबित किये जाने की आवश्यकता नहीं है। एक और न्यायनिर्णय "डायरेक्टर मतस्थ सीमान्त खण्ड बनाम भीखूभाई. मेघाभाई चावडा-एआईआर 2010 एस.सी.1236" का उदृत किया गया। इस मामले में प्रतिपादित किया गया कि जहाँ कर्मकार ने यह अभिकथन किया कि उसने 240 दिन काम किया है तो उसका खण्डन करने या नासाबित करने का भार नियोक्ता पर होगा। एक और न्यायनिर्णय "भोगपुर कॉर्पोरेट शुगर मिल्स लि. बनाम हरमेश कुमार-2006 (III) एफ.एलआर 1202" का उदृत किया गया। इस मामले में यह प्रतिपादित किया गया कि अधिकरण को अपना क्षेत्राधिकार रेफ्रन्स की परिसीमा के अन्दर ही काम में लेना चाहिए ना कि उसके परे तथा वरिष्ठता सूची अंलग वर्ग के लिए अंलग से संभारित की जानी चाहिए ताकि अन्त में आये पहले जाये सिद्धांत की पालना

बाबत छंटीशुदा श्रमिकों को प्राथमिकता मिल सके। इसी प्रकार एक और न्यायनिर्णय “हरजिंदरसिंह बनाम पंजाब राज्य भण्डारण निगम-एआईआर 2010 एस.सी.1116” को उद्दृत किया गया। जिसमें यह प्रतिपादित किया गया कि यह कर्मकार को साक्षित नहीं करना है कि उसने गत 12 कलेण्डर महीनों में 240 दिन काम किया। अम न्यायालयों को संविधान की दार्शनिकता व नीति निर्देशक तत्वों के अनुसरण में कानून का निर्वचन करना चाहिए। इसी प्रकार एक और न्यायनिर्णय “नरसिंहपाल बनाम यूनियन आफ इण्डिया-(2000)3 एस.सी.सी. 588 का उद्दृत किया गया। इस मामले में प्रतिपादित किया गया कि जहाँ किसी कर्मकार को अस्थायी दर्जा प्राप्त हो जाता है तो वह अन्य बातों के अलावा संविधान के अनुच्छेद 311 के तहत संरक्षण प्राप्त करने का अधिकारी होता है।

7. अब: उक्त दलीलों व न्यायनिर्णयों को उद्धृत करते हुए उन्होंने कर्मकार का स्टेटमेंट आफ कलेम स्वीकार कर उसमें मांगा गया अनुच्छेद प्रदान किये जाने का निवेदन किया।

8. इसके विपरीत अप्रार्थी की ओर से दलील दी गई कि प्रार्थी कर्मकार ने यह मामला करीबन 13 वर्ष की दौरी से उत्तया है। कर्मकार स्वयं ही अपने काम पर उपस्थित नहीं हुआ, कलम छोड़कर चला गया तो ऐसे में दैनिक वेतन भोगी श्रमिक को तो जो कलम पर आता है उसे रख लिया जाता है। चूँकि प्रार्थी काम पर ही उपस्थित नहीं हो रहा था अतः उसे सेवा से हटाने का या धारा 25-एफ के जी की पालना का प्रश्न ही पैदा नहीं होता। प्रार्थी द्वारा कर्मकार के यहाँ 120 दिन वा 260 दिन कलम नहीं किया गया, ऐसा अप्रार्थी के गवाह एन.के.सैनी ने जिरह में स्वीकार किया है। प्रार्थी द्वारा मामला देरी से उठाने पर रेलवे ने फ्रैक्ट प्रदर्श ढब्ल्यू। भी जहाँ किया जिसमें इसी तथ्य का उल्लेख किया गया। प्रार्थी द्वारा रेलवे के यहाँ नियुक्त होनु प्रार्थी-पत्र पेश किये जाने से ही वह उसका अधिकारी नहीं हो जाता एवं अभी तो यह भी साक्षित नहीं है कि प्रार्थी जिस प्रार्थी-पत्र प्रदर्श ढब्ल्यू. 3 व ढब्ल्यू. 04 को पेश किया जाना बता रहा है वे वहाँ पेश भी हुए या नहीं क्योंकि इन पर कोई दिनांक भी अंकित नहीं है एवं कई आवश्यक कॉलम भी खाली छूटे हुए हैं। इसके अलावा प्रदर्श एम। प्रार्थी के 260 दिन काम करने का विनिश्चयात्मक सबूत नहीं है क्योंकि इसमें वर्णित किया गया कि इसका संस्करण मण्डल लेखाधिकारी, कोटा के कार्यालय में जमा पेंड बल्लन्स मस्ट्रील के आधार पर किया जाना सम्भव है। अतः इससे भी यह तथ्य पूर्ण सूप से साक्षित नहीं हो जाता है। अप्रार्थी ने जो गैंगमैन का एक हाजिरी रजिस्टर पेश किया है, उसमें अवश्य उसके नाम का उल्लेख है, परन्तु प्रार्थी का उसमें कहीं पर भी लम्बी अवधि तक काम किया जाना प्रकट नहीं होता है। अतः प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है, लिहाजा कलेम स्टेटमेंट खारिज किया जावे।

हमने उभयपक्ष द्वारा दी गयी दलीलों तथा उद्दृत किये गये न्यायनिर्णयों में प्रतिपादित सिद्धांतों पर मनन किया एवं पत्रावली पर आयी हुई साक्ष्य व सामग्री का भी परिशीलन किया।

9. अब जहाँ तक प्रार्थी कर्मकार के अप्रार्थी के यहाँ 29-6-84 से 15-9-85 तक लगातार कार्यरत होने का सवाल है, इस सम्बन्ध में

प्रदर्श डब्ल्यू. 2 जो भारत सरकार, अम मंत्रालय का असफल वार्ता प्रतिवेदन है उसमें यह उल्लेख है कि प्रबन्धन ने प्रार्थी कर्मकार के 29-6-84 से 15-9-85 तक काम किये जाने के तथ्य को स्वीकार कर लिया है। इसके अलावा जो स्टेटमेंट प्रदर्श एम। प्रबन्धन की ओर से पेश किया गया उसमें भी 20-7-84 से 20-6-85 तक प्रार्थी का कुल 260 दिन तक काम किया जाना प्रकट होता है। अतः अम मंत्रालय के असफल वार्ता प्रतिवेदन से तथा प्रबन्धन द्वारा प्रस्तुत उपस्थिति रजिस्टर प्रदर्श एम। से भी यह बात भली-भांति साक्षित हो जाती है कि प्रार्थी कर्मकार की सेवा समाप्ति से पहले उसने विगत कलेण्डर वर्ष में 240 दिन काम किया है एवं इस तथ्य को कपोलकल्पित या असत्य मानने का कोई आधार नहीं है। इसकी पुष्टि तो स्वयं प्रदर्श एम। व प्रदर्श डब्ल्यू. 2 से भली-भांति हो रही है।

10. अब जहाँ तक इस बिंदु का कि क्या प्रार्थी कर्मकार को सेवा से हटाया गया या कर्मकार ने स्वेच्छा से डयूटी पर जाना बन्द कर दिया, इस सम्बन्ध में प्रार्थी कर्मकार को सेवा से हटाने का कोई आदेश पेश नहीं किया गया है एवं ना ही ऐसा कोई आदेश अप्रार्थी की ओर से पेश किया गया है। केवल मात्र असफल वार्ता प्रतिवेदन प्रदर्श ढब्ल्यू. 2 व रेलवे का उपस्थिति रजिस्टर प्रदर्श एम। 1 है। यदि किसी कर्मकार को वर्ष 85 से हटाया गया है तो करीब 12-13 साल तक उसके द्वारा कोई कार्यवाही नहीं किया जाना इसी संभावना को बल देता है कि कर्मकार स्वयं ही इस मामले में अपने नियोजन के प्रति गम्भीर नहीं था या एक प्रकार से अनिच्छुक था, अन्यथा तो क्रोई भी बेरोजगार व्यक्ति 13 वर्ष की लम्बी अवधि तक विवाद उठाने में देरी नहीं करेगा वह तो तत्काल ऐसे विवाद को उड़ायेगा। प्रार्थी की ओर से यह भी अन्य किसी गवाह से साक्षित करने का प्रयास नहीं किया गया कि वह कब-कब अप्रार्थी के यहाँ डयूटी पर उपस्थित हुआ तथा अप्रार्थी ने किन-किन श्रमिकों या कर्मचारियों की मौजूदगी में उसे डम्पटी पर लेने से मना कर दिया या प्रार्थी ने इस बाबत कोई लिखित में भी कार्यवाही की हो अपितु जिरह में स्वयं प्रार्थी कथन करता है कि नौकरी से हटाने के बाद मैंने कहीं भी शिकायत नहीं की तथा मजदूरी लाईन पर जहाँ काम करता था वहाँ दी जाती थी एवं मस्ट्रैल पर दैनिक वेतन भोगी श्रमिक के रूप में काम करता था। मैंने लिखित में नहीं पूछा कि मुझे क्यों हटाया गया। अतः प्रार्थी के इन सभी अधिकथनों से यह स्पष्ट प्रकट होता है कि प्रार्थी को किसी लिखित आदेश से नौकरी से नहीं हटाया गया एवं प्रार्थी ने भी स्वीकार किया कि उसे कोई लिखित आदेश नहीं दिया गया। इसके अलावा प्रार्थी को हटाने के तुरन्त बाद प्रार्थी ने उस बाबत कोई आपत्ति या शिकायत अप्रार्थी के समक्ष की हो, इससे भी प्रार्थी ने इन्कार किया है। अतः एक बेरोजगार व्यक्ति के हटाने के बाद करीब 13 वर्ष तक कोई कार्यवाही नहीं करना इसी बात का घोतक है कि प्रार्थी ने स्वयं नहीं अप्रार्थी के यहाँ कार्य करने से निवृत्ति ले ली। यदि प्रार्थी को हटाने से आपत्ति रही होती एवं उसने इस बाबत किसी भी साथी कर्मकार या अधिकारी के समक्ष कोई कार्यवाही की हो, ऐसा भी कोई तथ्य साक्षित नहीं करवाया। अप्रार्थी के गवाह ने मुख्य परीक्षण शपथ-पत्र में यह कथन किया कि श्रमिक स्वेच्छा से ही कार्य पर उपस्थित रहता था तथा श्रमिक अस्थायी

गेंगमेन था और गेंगमेन का कार्य तो अभी भी हो रहा है।

11. यदि अप्रार्थी के संस्थान में गेंगमेन के पद पर उस समय भी कार्य मौजूद था, वर्तमान में भी मौजूद हैं, प्रार्थी कर्मकार के विरुद्ध अप्रार्थी को कोई शिकायत भी नहीं थी तो फिर क्योंकर अप्रार्थी अकारण ही प्रार्थी को सेवा से हटायेगा। प्रार्थी के प्रति कोई दुर्भावना, दुश्शाय व रंजिश भी प्रकट नहीं हुई है, अतः इसके बिना ही प्रार्थी कर्मकार को अप्रार्थी द्वारा सेवा से हटा दिया जाना कर्तव्य साबित नहीं होता है। प्रार्थी का भी 13 वर्ष तक इस मामले में चुप रहना यह स्पष्ट प्रकट करता है कि प्रार्थी ने स्वयं ने ही अप्रार्थी के यहाँ कार्य पर जाने से स्वेच्छापूर्वक निवृत्ति ले ली थी क्योंकि वह दैनिक वेतन भोगी आकस्मिक श्रमिक था एवं जहाँ कोई दैनिक वेतन भोगी के रूप में आकस्मिक कर्मकार स्वेच्छापूर्वक कार्य से निवृत्ति ले लेता है तो धारा 2 (ओओ) अधिनियम में किसी कर्मकार द्वारा स्वेच्छा से निवृत्ति लेना छठनी की परिभाषा में नहीं आता है। अतः हस्तगत मामले में भी जब प्रार्थी कर्मकार ने स्वयं ने ही स्वेच्छा से कार्य से निवृत्ति ले ली तो उसके इस प्रकार से कार्य पर उपस्थित नहीं होने व कार्य से निवृत्ति लेने के तथ्यों को छठनी की श्रेणी में नहीं माना जा सकता एवं जब अप्रार्थी द्वारा प्रार्थी की छठनी ही नहीं की गयी है तो फिर प्रार्थी का यह अधिकथन कि उसे अप्रार्थी द्वारा दुर्भावनापूर्वक सेवा से हटा दिया गया एवं धारा 25-एफ अधिनियम की पालना नहीं की गयी, कर्तव्य स्वीकार किये जाने योग्य नहीं है एवं इन परिस्थितियों में प्रार्थी कर्मकार कोई अनुतोष प्राप्त करने का अधिकारी नहीं बनता है।

12. इस प्रकार ऊपर किये गये समस्त विवेचन के आधार पर इस न्यायाधिकरण की राय में हस्तगत मामले में अप्रार्थी नियोजक द्वारा प्रार्थी कर्मकार की दिनांक 16-9-85 से सेवा समाप्त किया जाना कर्तव्य साबित नहीं होता है अपितु यह प्रकट होता है कि प्रार्थी स्वयं ने ही अप्रार्थी के यहाँ काम पर जाना बन्द कर दिया, अर्थात् स्वेच्छापूर्वक काम करने से निवृत्ति ले ली। अतः इन परिस्थितियों में प्रार्थी कर्मकार किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

परिणाम स्वरूप भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा आदेश सं. एल. 41012/250/99-आईआर (बी-1) दिनांक 15-12-99 के जरिये सम्प्रेषित निर्णय (रेफेन्स) को अधिनिर्णित कर इसी अनुरूप उत्तरित किया जाता है कि प्रार्थी कर्मकार छगनलाल की अप्रार्थी नियोजक द्वारा दि. 16-9-85 से सेवा समाप्त किये जाने का तथ्य किसी भी रूप में साबित नहीं होता है अपितु प्रार्थी स्वयं ने ही कार्य पर जाना बन्द कर दिया, अतः वह कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

प्रकाश चन्द्र पगारीया, न्यायाधीश

नई दिल्ली, 27 अप्रैल, 2012

का.आ. 1794.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार भारतीय स्टेट और अन्यधर्तन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अन्यथा में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अंग अथवा अहमदाबाद के पंचाट [संदर्भ संख्या CGITA of 149/2004

(New) ITC 26/1999(Old)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-4-2012 को प्राप्त हुआ था।

[सं. एल-12012/216/98-आईआर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 27th April, 2012

S.O. 1794.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. CGITA of 149/2004 (New) ITC 26/1999(Old)] of the Central Government Industrial Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 26-4-2012.

[No. L-12012/216/98-IR(B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

PRESENT

Binay Kumar Sinha,
Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad, Dated 10-4-2012

Reference : CGITA of 149 of 2004 (New)

Reference : ITC 26/1999 (Old)

The Dy. General Manager,
State Bank of India,
Zonal Office, Gandhinagar.

..... First Party

And their workman

Shri Natvarbhai C. Parmar
At present, House No. 12,
Gayatri Row House, Nr. Water Tank,
Nr. Anand Vihar, East Region, Kalol,
Gandhinagar.

....Second Party

For the first party Shri Bhushan K. Oza, Advocate,

For the second party Shri S.S. Shah, Advocate

AWARD

As per order dated 7-1-1999 the Appropriate Government/Ministry of Labour/Shram Mantralaya, Shram Shakti Bhawan, Rafi Marg, New Delhi by notification No. L-12012/216/98-IR (B-I) in exercise of power conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 referred the dispute to the Industrial Tribunal Ahmedabad for adjudication, formulating the terms of reference under the schedule as follows :—

SCHDEULE

"Whether the action of the management of State Bank of India, Gandhinagar is justified in terminating the services of Shri Natvar C. Parmar w.e.f. 01-5-1997 without following the procedure of retrenchment etc.? If not, what relief the concerned workman is entitled for?"

2. Both parties appeared to make contest in this case by filing statement of claim and the written statement.

3. The case of the second party workman as per statement of claim at Ext. 9 is that the workman was serving in the first party bank since many years and since December, 1989 he was serving as Peon-cum-Messenger. He was serving honestly, faithfully and with his hard work. He temporarily served as Peon-cum-Messenger and the Bank Manager of State Bank of India has issued certificates to that effect. But suddenly he was terminated through an oral order dated 1-5-1997 illegally without issuance of any kind of show cause notice. Such action on part of the management of Bank is against the principle of natural justice and also as per violation of the provision of 25 F of the ID Act. Further case is that he was getting Rs. 2400 per month along with annual bonus of Rs. 3000 from the Bank. The period of service as well as working days are described for the concern years- 1990 six months, 1991-120 days, 1992-110 days, 1993-274 days, 1994-90 days, 1995-1996 199 days (from 4-10-1995 to 19-4-1996), 1996-1997 115 days (from 1-11-1996 to 30-4-1997). Further case is that he (workman) was doing service in the employment of the State Bank of India at its Kadi Branch and Kalol Branch. Further case is that even on his complete working days of 240 days in the year 93-96 he was terminated through oral order without giving any notice pay or retrenchment compensation. Further case is that pleaders notice (legal notice) was issued to the management of bank on 3-1-1998 demanding for his reinstatement in the service of the Bank with the remuneration and has also laid claim of the amount of Rs. 28,800 from 1-5-1997 up to 30-5-2002 on 12 months basis for 48 months claiming total amount 1,15,200. On these grounds prayer has been made for his reinstatement with back wages of 86,400 after deducting the amount of Rs. 28,800 for the days loose from 8-2-2000 to 16-2-2000 as per order passed by the tribunal in Misc. Application No. 6/2000 in ITC 26/99 by Ext. 4 wherein the reference case had been restored to its original file after setting aside the dismissal order of the reference.

4. The case of the first party management as per written statement at Ext. 12 pleading inter-alia is that the reference is not maintainable, the workman has no cause of action to raise the dispute, facts stated at para 1 and 2 of the statement of claim are not correct. It has been denied that the workman was doing service in the Bank since December, 1989, it has been denied that the Bank had terminated the workman orally w.e.f. 1-5-1997. It is the case

of the first party that the workman was not permanent employee of the Bank rather was daily rated worker and that he never completed 240 days of work in calendar year in 1993-1996 and so there was no question for issuing notice under section 25 (F) of ID Act and no provision in this regard has been breached by the Request of the workman through legal notice for making order to pay outstanding salary amount of Rs. 1,15,200 for 48 months is illegal, unreasonable and without any basis. Further case is that the work related to the Bank is having various branches in Gujarat state and allover country and having its head office at Mumbai and having local head office in Gujarat at Lal Darwaja in Ahmedabad and there also subordinate zonal office of this local head office and all branches of the State bank of concerned area are subordinate to the zonal office. The number of permanent employee of various branches of the bank have been fixed and accordingly different type of permanent employee such as Peon, Watchman, Clerk, Officers and Managers are doing work therein. Generally bank recruits employee on permanent basis only after publishing public notice in daily newspaper and name of the candidates filled through employment exchange office and after getting examination of such employee in writing and arranged oral interview of passed candidate then successful candidates with rank are recruited in various branches as per requirements. But the workman was never given permanent designation and he was not appointed through Bank's Rules and Regulations. Rather when any concern branch of the Bank in case of leave of permanent employee on such post Hamal, Peon and Watchman or in case of creation of miscellaneous work in view of exigency of other work then the Bank simply employed some employees in stop gap arrangement and accordingly the first party bank had employed the workman as routine employee on probation on necessity in Kalol and Kadi branch of SBI and the workman was employed on necessity whenever arises for daily remuneration of Rs. 15 and sometime the workman was doing work as temporary messenger in place of absence of permanent employee and for his work he has been paid salary in respect of pay scale from time to time or has been paid payment for the days whatever the work as a routine employee. Further case is that since after 30-4-1997 the first party Bank has had no necessity for work of the workman and so the workman has not been called for work either on probation basis or as daily worker. On these scores prayer has been made to dismiss the reference with cost since claim of the workman for his reinstatement and backwages and consequential benefits are all illegal and unjustified.

5. Following issues are taken up for discussions and determination in view of the pleadings of the parties.

ISSUES

(I) Is the reference maintainable?

- (II) Has the workman got valid cause of action to raise Industrial Dispute?
- (III) Whether the workman has completed 240 days of work in calendar year preceding his termination w.e.f. 1-5-1997?
- (IV) Whether the workman (second party) entitled to the relief as claim?
- (V) What orders are to be passed?

FINDINGS

6. ISSUE NO. III

The second party workman has adduced oral and documentary evidence in support of his claim the workman Natvarbhai C. Parmar examined in oral evidence at Ext. 16 deposing that he was doing service as messenger in State Bank of India, Kadi Branch since December, 1989 he also worked at Kalol Branch, State Bank of India as messenger. However admitting that post was temporary but stated that he was doing service honestly, faithfully and with hard work. He was not given any show cause notice from the Bank for his termination but suddenly he was terminated w.e.f. 1-5-1997. He was not given notice pay. At the time of termination his monthly salary was Rs. 2400 he also claimed that he was getting Rs. 3,000 as bonus, further deposed that bank has issued him certificates for his work and he has submitted the same in this case. His further evidence is that he has raised dispute in this reference for his reinstatement and for salary of loosing days and he is ready to go for service in the Bank on his reinstatement. He further deposed that he is not doing any work and presently he is unemployed. During cross-examination by the lawyer of the first party Bank, it has come that his work was of temporary nature the workman in his evidence during cross-examination admitted that he was not appointed as per rules of the Bank and that he was deployed on work as per necessity of the Bank on daily wager or scale. He further stated that he sent notice to the Bank under Rule 10 (5) wherein also shown and that notice contain his signature at Ext. 10. He further deposed that in the notice he has shown working days of 365 days in the year 1996 but admitting that there is no any certificate granted by the Bank to that effect. He further deposed that he has shown work of 274 days in the year 1993 but he has no documentary evidence to that effect. He admitted during cross-examination that he maintained his family through miscellaneous labour works since after termination and he is getting 1,200 per month through casual labour works. On behalf of the first party Bank no oral or documentary evidence has been adduced for discarding the claim of the second party workman for denying the claim of the workman, as per written statement at Ext. 12 on behalf of the second party workman some documents have been filed with list at Ext. 19. Ext. 19/1 is the certificate granted by Branch Manager of Kadi Branch that the workman Natvarbhai C. Parmar has worked on daily wages basis for about 6 months on different occasions in 1990 and 1991 showing total number of days of employment in

1990, 90 days, total number of days of employment in 1991-120 days. Ext. 19/2 is another certificate of Branch Manager, Kadi Branch that the workman has worked in the Branch on daily wages basis for 6 months on different occasions in 1990. Ext. 19/3 is the certificate issued by Chief Manager of Kalol Branch of SBI to the effect that workman (Natvarbhai C. Parmar) has served as a temporary messenger for 99 days during the period from 4-10-1995 to 19-4-1996 at this branch. Ext. 19/4 is another certificate granted by Chief Manager of SBI, Kalol Branch (District Mehsana). It is to the effect that the workman has served as temporary messenger for 115 days from 1-11-1996 to 30-4-1997 at this branch. No any certificate has been filed on behalf of the workman to show his working days in the year 1993 in which the workman has claimed that he completed more than 240 days of work. From going through the oral evidence of the workman at Ext. 16 and the documentary evidence at Ext. 19/1 to 19/4 it appears that the certificate issued by the first party Bank is for the year 1990-1991, 1995-1996 and 1996-1997 up to 30-4-1997 there is no any certificate garding the working days of the workman in the year 1993 but there is oral evidence in support of his claim that he worked for more than 240 days in the year 1993. More so, calculating the period of work for 1995-1996 taking up to average days of work of 22 days for November and December-1996 from Ext. 19/4 the total working days during the 95-96 comes to more than 240 days that also go to support the pleadings together with evidence of the workman that he completed more than 240 days of work in the year 1996. As per Ext. 19/5, it is proved to this extent that interview letter dated 30-12-1991 was issued to the workman at his address at Post Kadi, Distt-Mehsana calling him for interview on, 8-6-1992 at 10.30. am for recruitment in the Bank this interview letter also speaks that the interview letter was issued to the workman since he had performed temporary works in the Bank. This letter was issued from Zonal Office of the SBI, Gandhinagar, this interview letter at Ext. 19/5 also speaks in favour of the workman's claims that though he had not been appointed as per rules and regulations of the Bank, but he was continuing in temporary service of messenger as per certificate issued by the Bank of Kadi Branch and Kalol Branch. From scrutinizing the oral and documentary evidence on behalf of the workman side it appears that initial onus has been discharged by the workman that he completed 240 days of work in the calendar year preceding his oral termination w.e.f. 1-5-1997.

7. As against this there is only pleading of the first party Bank as Ext. 12 in denial that the workman never completed 240 days of work in any calendar year. Whereas the onus had shifted upon the first party Bank to disprove the position by producing the relevant documents viz the vouchers, attendance register, muster roll etc that the workman and never completed 240 days of work in any calendar year. The denial as per pleadings is not substantive piece of evidence.

8. The second party workman filed as per his written argument at Ext. 23 in Gujarati and thereafter also filed written argument in English at Ext. 24 on behalf of the first party, its lawyer Shri B.K. Oza has relied upon the case law reported in 2006 (I) LLJ Supreme Court page 268 in the case of Surendranagar Panchayat and another and Jethabhai Pitambhai regarding the Burden of Proof of completion 240 days service in one year. There is no dispute by stating this Shri B.K. Oza has also cited another case law of Hon'ble Supreme Court in a case of Range Forest Officer V/s. S.T. Hadimani in 2002 -I- LLJ 1053 on the same point that the initial onus is upon the workman that he completed 240 days of work. These two case laws are good laws that the actual onus is upon the workman side to prove that he completed 240 days of work in calendar year. From the evidence as discussed above it has come that the second party workman has successfully discharged the initial onus through oral and documentary evidence that he completed 240 days of work in calendar year. So, now the further onus to disprove such evidence of the workman is upon the management side (employer) by adducing evidence that the workman never completed 240 days but the first party has not adduced oral evidence nor filed any documents to discard the claim and evidence of the workman side. On the other hand the second party workman side has relied upon the case law reported in 2010 Lab IC 1803 (Bombay High Court) and 2010 Lab IC (NOC) 168 Karnataka=2009 (6) AIR Karnataka R. 443, and 2010 Lab IC (NOC) 895 Allahabad-2010 (3) ALJ 604 only first case law 2010 Lab IC 1803 appears to be applicable to the case of the second party workman whereas the subsequent case laws 2010 LAB IC (NOC) 168 Karnataka and 2010 LAB IC (NOC) 895 Allahabad are not applicable to the facts and circumstance of the case. The second party has also relied upon a case law reported in 2010 (III) LLJ 564 Bombay 2009 (III) on point of Section 2 (s) that the Second party workman comes under the definition of workman and also on point of Section 25 F that there was necessity for issuing retrenchment notice under Section 25 F of the ID Act against the workman and also on the point as to claim of reinstatement of the Second party workman due to violation of provision of Section 25 (F) of the ID Act.

9. As per discussions made above, I am of the considered view that the second party workman has been able to prove that he was working in Kadi and Kalol Branch of SBI, Distt-Mehsana as temporary messenger and has completed more than 240 days of work in the year 1993-1996. So, this issue is decided accordingly in favour of the workman.

10. ISSUE NO. IV

The learned counsel of second party workman has argued that since the workman completed 240 days of work in calendar year so there was requirement for issuing retrenchment notice or notice pay under provision of

section 25 F of the I.D. Act but the management of first party Bank failed to comply with that provision and so the workman is entitled for his reinstatement to the status on which he was working prior to his termination. In this connection reliance has been placed upon a case law reported in 2010 LAB IC (NOC) 435 Bombay and LAB IC 1105 Himachal Pradesh. On the other hand Shri B.K. Oza Learned counsel of the first party has argued that even if the workman is found to have completed 240 days of work in some calendar years, he as a matter of right cannot claim for reinstatement because the status of workman is of daily rated worker who was getting wages on calculation of days of work in a month. Also that there is no evidence on behalf of the workman that he was getting other benefits other than daily rated wages at par with the permanent employee like bonus, increment etc. It has been further argued that at best the workman can get compensation due to non-compliance of provision of Section 25 (F) by the first party. In this regard the case law of the Hon'ble Supreme Court decided on 26, August, 2010 in Civil Appeal No. 3815 of 2010 in the case of Senior Superintendent, Telegraph (Traffic) Bhopal V/s Santosh Kumar Seal reported in 2010 (0) GLHEL -SC 48285 has been referred. The Hon'ble Apex Court has held that relief of reinstatement and back wages to the workman who worked hardly for two or three years cannot be said to be justified and in stead of monitory compensation could subserve the ends of justice. :

11. Upon consideration of this issue in view of the case law discussed above, I am of the considered view that the second party workman is not entitled for his reinstatement and back wages and other benefits in this case. In stead of he is found entitled for getting compensation from the first party Bank due to non-compliance of the provision of Section 25 (F) of the ID Act. Whereas he is completed 240 days of work for couple of year. Considering all the facts and circumstances of the case an amount of Rs. 20,000 as compensation will meet the ends of justice. This issue is accordingly decided.

12. ISSUE NO. I, II, V

In view of the findings given to issue No.III & IV in the forgoing paragraph, I further find and hold that the reference is maintainable and the second party workman has valid cause of action and the workman is entitled for compensation of Rs.20,000.

This reference is allowed in part.

Accordingly the terms of reference is answered in negative against the first party and the second party workman is found entitled for getting compensation of Rs. 20,000 from the first party.

First party is directed to pay the compensation of Rs. 20,000 within 60 days of this award, failing which the amount of compensation will carry interest @ 9% per annum.

This is my award.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 30 अप्रैल, 2012

का.आ. 1795.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/48/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-2012 को प्राप्त हुआ था।

[सं. एल-12012/1/2004-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 30th April, 2012

S.O. 1795.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/48/2004) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 19-4-2012.

[No. L-12012/1/2004-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

No. CGIT/NGP/48 of 2004

Date 19-3-2012

Party No. 1 : Regional Manager
Central Bank of India,
Regional Office, Victoria Bldg.,
Kamptee Road, Nagpur-440001

V/s

Party No. 2 : Shri Vitthal S/o. Shrawan Thengre
R/o. Maregaon Post & Tah.
Maregaon, Distt. Yavatmal,
Maharashtra

The record is put up today on the strength of the advance petition filed by the advocate for the petitioner to take the record on board. Copy of the application has been served on the advocate for the Central Bank of India.

2. Advocate for the petitioner and advocate for the bank are present. The petitioner is also present in person.

3. The petitioner has filed an application supported with an affidavit for withdrawal of the reference. Copy of the application has been served on the advocate for the Bank, who has made endorsement on the body of the application itself of having no objection for withdrawal of the case.

4. The case of the petitioner is that management of Central Bank of India has issued a communication for filling

of the post in the bank, in which he was working and the bank has put a condition that the workmen whose cases are pending before the different courts should withdraw their case first for consideration of their application for absorption and in view of such communication, he has filed the application for withdrawal of the reference pending before this Tribunal.

5. Perused the record. The Central Government has referred the Industrial Dispute for adjudication in regard to the legality or otherwise of the termination of the services of the petitioner orally in April 2003. As the petitioner has received the communication from the bank regarding filling of the post and in view of the possibility of his absorption in service by the bank he wants to withdraw the case. The bank has also no objection for such withdrawal. Hence, in the interest of natural justice, I think it proper to allow the application filed by the petitioner for withdrawal of the case. Hence, it is ordered :—

ORDER

The application filed by the petitioner is allowed. The reference be treated as withdrawn. The application filed by the applicant supported with affidavit and the copy of the documents filed along with the same be made part of the order.

J. P. CHAND, Presiding Officer

BEFORE THE HON'BLE P.O. CGIT, NAGPUR

Ref No. 48/2004

Central Bank of India

Vs.

Vithal Thengre

APPLICATION FOR TAKING THE CASE ON TO DAY'S BOARD & PERMISSION TO WITHDRAW THE CASE BE GRANTED

The Party-No. 2 workman submits as under :

1. That the above matter is fixed for 5-12-11 for argument on merit of the workman (Cross)

2. That the Party No. 1 management has issued a communication for filling of the post in the Bank in which the workman was working. However they have put a condition that the workman whose case is pending before the different Courts. They should withdraw their cases first. Then only their application would be consider.

3. In view of this workman wants to withdraw his reference No. Filed and pending before this Hon'ble Court.

Prayer : It is therefore prayed that this matter may be taken on today's Board and permission to withdraw the case may kindly granted in the interest of justice.

Nagpur

28-11-2011

Sd/

Illegible

Sd/

Illegible

SOLEMN AFFIRMATION

I, Vithal S/o Shrawan Thengre, Aged above 42 years, once-presently NIL R/o Maregaon Taluka Maregaon Distt.-Yavatmal, presently, Nagpur, do hereby take oath and State on Solemn affirmation that the contents of above affidavit in para 1 to 3 are true to my knowledge & information.

Hence verified & signed on this 28th day of November 2011 at Nagpur.

I Know & indentify the deponent

Sd/ Sd/

(R.N. SEN) Advocate Illegible
Deponent

Central Bank of India

Branch Maregaon

Date : 26-11-2011

To,

MR. VITHAL SHRAWAN THENGANE
R/O MAREGAON

Req. your eligibility for ptsk cum substroe
Ref: Ro Letters No. RO/HRD/2011-12/1179

Dated 14-11-2011

Regarding the above we would like to inform you that in reference to letter RO/HRD/2011-12/1179 dated 14-11-2011 our RO has asked for the no. of eligible candidates in our branch. But we see from the branch record that you have filed a case against our bank. As per the RO circular you have to withdraw the said case, so as to make eligible yourself for the said post prior to applying for the post. For your sake you please get through the circulor and reply according/take necessary steps regarding the matter immediately. We hereby attach the said circular. We look forward a quich reply because we have to inform RO about your eligibility as early as possible.

Sd/

Enc. Circular

Illegible

Sirs.

We invite your kind reference to our communication No. CO/HRD/R&P/2011-12/656 dated 21-6-2011 whereby we had advised to initiate the process for recruitment of Safai Karamchari cum sub-staff in branches under regions so as to provide the services of at least one safai karamchari sum sub staff can be provided to each branch. However the said process was kept in abeyance for administrative reasons vide our mail dated 4-8-2011.

We have now to request you to provide us the number of temporary/casual workers' who have worked in branches/offices under regions and conform to the following criteria:

Candidate should have put in minimum 45 days service during a period of 12 months as a temporary sub-staff and/or PTSK. Their age should have been between

18 to 26 years (relaxable in eligible categories as per rules) when they were engaged as casual/temporary workers. The present age should not be more than 45 years irrespective of category. They should be able to produce the satisfactory evidence/proof acceptable to Bank in support of having worked with bank on temporary basis. Their registration with Employment Exchange may be preferred but not an essential condition.

All such candidates must withdraw the cases filed by them before different forums/courts immidiately prior to applying for the post.

Please let us know the number of such candidates who conform to the above eligibility.

Please treat this as Most Urgent and comply with immediately.

Regards RO/HRD/2011-12/1179 dtd.14-11-2011

नागपुर क्षेत्र की सभी शाखाएं

N B Rajguru कृपया, उपरोक्त परिपत्र का अवलोकन कर
Asstt. General तदनुसार कारबाई की पुष्टी करे।

Manager-HRD

ह. अपठनीय

महा. क्षेत्रीय प्रबंधक

नई दिल्ली, 30 अप्रैल, 2012

का.आ. 1796.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कॉरपोरेशन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, नई दिल्ली के पंचाट (संदर्भ संख्या 14/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2012 को प्राप्त हुआ था।

[सं. एल- 12012/4/2008-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 30th April, 2012

S.O. 1796.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.14/2008) of the Central Government Industrial Tribunal/Labour Court -II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Corporation Bank and their workman, which was received by the Central Government on 20-4-2012.

[No. L-12012/4/2008-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

**IN THE COURT OF SHRI SATNAM SINGH,
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT-II,
KARKARDOOMA, DELHI**

ID No. 14/2008

In the matter between :

Shri K. Shivnathan,
E-299, J.J. Colony, Inderpuri,
Delhi-110012

....Workman

VERSUS

The Asstt. General Manager,
Corporation Bank, 16/10, Ist Floor,
Main Arya Samaj Road, Karol Bagh,
New Delhi-110005.

.....Management

AWARD

The Central Government, Ministry of Labour vide order No. L-12012/4/2008-IR(B-II) dated 22-4-2008 has referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of Corporation Bank in terminating the services of Sh. Shivnathan, personal car driver w.e.f. June, 2001 is legal and justified. (ii) To what relief the workman concerned is entitled to?”

2. Statement of claim was filed by the workman to which the written statement was filed by the management. Thereafter, replication was filed by the workman. Vide orders dated 16-4-2010 the case was posted for recording evidence of the workman but the workman has not given his evidence in this case so far. In fact, he has not been attending the proceedings for the last so many dates of hearing. On 22-7-2011 he was granted last opportunity to pursue his case but despite such an order the workman has not bothered to pursue his case. It is thus evident that he is not interested in the outcome of this reference. In these circumstances there is no way out except to conclude that he is not interested in the outcome of this reference. A no dispute award is accordingly passed in this case. The reference sent by the Central Govt. to this Tribunal stands disposed of accordingly.

Dated: 9-4-2012

SATNAM SINGH, Presiding Officer
नई दिल्ली, 30 अप्रैल, 2012

का.आ. 1797.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूकों बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 37/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-4-2012 को प्राप्त हुआ था।

[सं. एल-12011/38/2002-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 30th April, 2012

S.O. 1797.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 37/2002) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 16-4-2012.

[No. L-12011/38/2002-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE SRI RAM PARKASH, IJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, KANPUR

Industrial Dispute No. 37 of 2002

Between-

The President,
UCO Bank Staff Association,
C/o Sri B P Saxena, 426-W-2,
Basant Vihar, Kanpur

And

The Regional Manager,
UCO Bank,
Regional Office, 23 Vidhan Sabha Marg,
Lucknow

AWRD

1. Central Government MOI, New Delhi vide notification No. L-12011/38/2002-IR(B-II) dated 18-6-02 has referred the following dispute for adjudication to this tribunal-

2. Whether the action of the management of UCO Bank in awarding the punishment of reduction of basic pay of Sri Uma Shanker Dubey by one stage by one year with effect from 27-1-01 is legal and justified? If not, what relief he is entitled for?

3. Brief facts are-

4. It is an admitted fact that Sri Uma Shanker Dubey was employed at UCO Bank Armapore State Branch Kanpur as a award staff. When he was in service he was served with a show cause notice due to his misconduct which was signed by Chief Officer/Disciplinary authority. In show cause notice at page No. 1 the facts were disclosed and on page no. 2 it was stated that in terms of Para 19.12 (e) of BPS it was proposed to inflict the following punishment without any domestic inquiry—

Reduction of basic pay by two stages of the workman.

5. Show cause was also proposed on the proposed punishment—

6. Though the workman did not make voluntary admission of the guilt yet the chief officer/disciplinary authority inflicted the following punishment—

Reduction of basic pay by one stage for one year.

7. Being aggrieved the workman made an appeal. The said appeal was also dismissed by the appellate authority. Being aggrieved the workman approached the union which raised the instant dispute.

8. It has also been alleged that the charges levelled against the claimant were vague. It is also alleged that the Chief Officer has not been appointed as disciplinary authority in terms of Para 19.14 of BPS dated 19-10-66 as modified by Para 3(b) of BPS dated 31-10-89. It is alleged that according to the terms the disciplinary authority or the appellate authority are to be nominated by the Chief Executive Officer i.e. the Chairman and Managing Director. It is further reiterated that as there was no voluntary admission of the guilt no action can be taken by the management, therefore, the order of the punishment is illegal and unjustified and is liable to be set aside and release the increments stopped by the management.

9. Opposite party has filed the written statement denying vehemently the claim of the claimant on a number of grounds, inter-alia, alleging that the claimant has sought voluntarily retirement from the bank's service and pursuant stands relieved/retired on 31-5-2001 and thereafter he is no more in the service of the bank therefore, he does not come under the definition of workman as per section 2(s), therefore, reference order is bad in law. It is stated that the claimant has conducted a grievous misconduct so he was issued charge sheet/show cause notice. The claimant has fully participated, the disciplinary authority has given him full hearing in the name of personal hearing and after considering the entire matter a very mild punishment was awarded to the claimant which is fully legal valid in the eyes of the law. Appeal filed by him was duly considered by the appellate authority which was rejected.

10. It is stated that the allegation raised by the claimant are false vague. The punishment imposed by the disciplinary authority is fully justified and legal, appointment of disciplinary authority as well as appellate authority was proper and valid in view of provisions of the BPS as provided under Para 19.14. It is also stated that after seeking voluntarily retirement claimant ceased to be a workman under the definition of workman and therefore, he has no authority or right in the eye of law to press this claim or to seek any relief from this tribunal pursuant to the present reference order as such the claim of the workman is liable to be dismissed.

11. Both the parties have filed the documentary evidence. Claimant has filed letter dated 30-12-2000, which is a show cause notice, copy of appellate order, order of punishment and UCO Bank circular dated 21-6-2000.

12. Opposite party has filed charge sheet/show cause notice, copy of punishment awarded, copy of order of rejection of appeal and original register of personal hearing.

13. Claimant has produced in evidence himself as W.W. 1 and the opposite party has not adduced any evidence.

14. Heard and perused the record.

15. During the arguments the auth. Representative for the claimant Sri B P. Saxena confined total arguments only on a legal point i.e. that the punishment awarded by the officer was not duly appointed as a disciplinary authority and therefore, the punishment awarded is illegal. He has not raised any other issue regarding the merits of the case or the enquiry held by the disciplinary authority.

16. Therefore, the short question to be decided is whether the punishment awarded to the claimant was awarded by the competent disciplinary authority. Both the parties have relied upon the banks circular dated 21-6-2000 which is paper no. 8/9-11 This is an administrative order passed by the Executive Director/ Principal Officer. I would like to reproduce certain paragraphs of this order—

Whereas an order dated October 21, 1988, was passed by the Chief Executive Officer of the Bank appointing disciplinary authority and appellate authority for the members of the award staff posted in different branches.

Whereas consequent upon the merger of certain Regional Office with the Zonal Office as a part of the rationalization of the organizational structure of the bank, an order dated 10-1-98 was passed by the Chief Executive Officer of the Bank appointing disciplinary authority or the members of the award staff posted in branches.....

Whereas consequent upon reorganization of the banks administrative structure and abolition of zonal tier as advised vide office notification no.—dated 26-5-2000, it is necessary to change the disciplinary authority and appellant authority for the members of the award staff posted and working in different branches of the banks. Accordingly, I, in exercise of the powers conferred on me under clause 19.14 of the settlement industrial dispute between certain banking companies and their workmen dated 19th October, 1966 as amended from time to time make the following appointment of disciplinary authority and appellate authority in supersession of the order dated 10-1-98, 21st October, 1988 and earlier order passed in this connection.

17. Now the question is whether the executive director derived the powers lawfully in terms of clause 19.14 of the settlement dated 19-10-66.

18. I would reproduce the provision of the clause 19.14 of the Bipartite Settlement. It states likewise, the Chief Executive Officer, or the Principal Officer in India of a bank or an alternative officer of the Head Office or principal office nominated by him for the purpose shall decide which officer (i.e. the disciplinary authority) shall be empowered to take disciplinary action in the case of each office or establishment. He shall also decide which

officer or body higher in status than the officer authorized to take disciplinary action shall act as the appellate authority to deal with or hear and dispose of any appeal against orders passed in disciplinary matters.

19. According to this the powers have been conferred on four officers viz., (1) The Chief Executive Officer, (2) The principal Officer in India of a Bank, (3) An alternate officer at the Head Office and (4) Principal office nominated for the purpose.

20. Therefore, according to the third part and Executive Director comes under the purview of an alternate officer of the head office. Executive Director is the person who discharges all the function of the bank at the head office. Similarly the Executive Director has drawn his power from Para 19.14 of the BPS, dated 19-10-66. Therefore, the contention of the opposite party that the disciplinary authority has been lawfully empowered by the bank is tenable. Similarly appointment of the appellate authority is lawful and there does not appear to be any breach of the provisions of the BPS as well as in the appointment of the appellate authority.

21. I have gone through the statement of W.W. I. In his statement he has simply stated that he was served with show cause notice and he was also given a personal hearing and thereafter a punishment was imposed as such there is nothing more in the statement.

22. Therefore, the contention raised by the claimant that the punishment imposed by the disciplinary authority as he was not competent to impose the punishment as he was not properly appointed is not tenable.

23. There is also contention of the opposite party that the claimant has sought the voluntary retirement therefore he ceases to be a workman as defined under section 2(s) of the Act becomes redundant when already it has been held by the tribunal that the punishment awarded to the workman by the disciplinary authority is just and fair. Therefore, this contention needs not to be gone into by the tribunal.

24. Therefore in my considered view of the matter it is held that the punishment inflicted upon the claimant is just fair and proper as it was inflicted upon by a validly appointed disciplinary authority.

25. Therefore, considering over all facts, circumstances and evidence of the case, I am of the view that there is no illegality or perversity on the action of the bank and the workman has rightly been punished by the disciplinary authority.

26. Accordingly it is held that the action of the management is just and fair and consequent upon the same the claimant is not entitled to any relief.

27. Reference is therefore, answered against the claimant and in favour of the opposite party.

RAM PARKASH, Presiding Officer

नई दिल्ली, 30 अप्रैल, 2012

का.आ. 1798.—औद्योगिक विवाद अधिनियम, 1947 (-1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, धनबाद के पंचाट (संदर्भ संख्या 90/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-2012 को प्राप्त हुआ था।

[सं. एल-12011/74/2006-आई आर (बी-II)]
शीश राम, अनुभाग अधिकारी

New Delhi, the 30th April, 2012

S.O. 1798.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 90/2006) of the Central Government Industrial Tribunal/Labour Court No.1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 19-4-2012.

[No. L-12011/74/2006-IR (B-II)]
SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S 10(1)(d) (2A) of the
Industrial Disputes Act, 1947

Reference No. 90 of 2006

Parties : Employers in relation to the management of
Bank of Baroda.

AND

Their Workman

Present : Shri H.M. Singh, Presiding Officer

Appearances :

For the Employers : Shri Dinesh Kumar, Sr. Manager
(HRM)

For the workman : Shri B. Prasad, General Secretary,
Bank Employees Federation, Bihar.

State : Jharkhand Industry : Bank

Dated, the 13th April 2012

AWARD

By Order No. L-12011/74/2006-IR (B-II) dated 13-9-2006 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bank of Baroda, Patna in not regularising the services of

Shri Ajay Kumar Jha, Casual Sweeper/Peon Zero Mile, Begusarai Branch, Bank of Baroda is legal and justified? If not, what relief Shri Ajay Kumar Jha is entitled to?"

2. The case of the concerned workman is that he was appointed by the management to discharge the duties of a peon/sweeper at ZERO mile, Begusarai Branch w.e.f. 17-1-1991. During the period 17-1-1991 to 1-10-1996, the workman was allowed to work with some artificial breaks and from 3-10-1996 the workman uninterruptedly discharged all the duties of a peon. After appointment he was discharging the duties of opening the Bank's gate; sweeping, cleaning the branch premises; taking out registers/ledgers from the almirah, placing the same on table, counters and vice-versa; carrying token Book, scroll register from cash Deptt. to Accounts Deptt; posting of mails whenever required, stitching of currency notes/vouchers whenever required and serving water, tea to the member of staff etc. He used to discharge the above duties from 10 A.M. to 6 P.M. regularly and sometimes even beyond that as per requirement. He was used to be paid his wages on most of the time through transfer vouchers. He worked for more than 15 years with the management as Peon/Sweeper. In terms of the scheme formulated by the management, the name of the concerned workman was forwarded to the Higher Authorities of the Bank for regularising his services in Bank's Subordinate Cadre, but no positive step was taken by them. Thereafter, an industrial dispute was raised before the A.L.C. (C), Patna which ended in failure. So, the Govt. of India, Ministry of Labour referred the dispute for adjudication before the Hon'ble Tribunal.

It has been prayed that the Hon'ble Tribunal be pleased to pass an award in favour of the workman by directing the management to regularise the concerned workman as a full time sweeper/peon retrospectively and payment of due wages for the period of his working.

3. The case of the management is that the concerned workman has been engaged intermittently on casual basis at Zero Mile Branch by the Branch Head without any authority. He was engaged by the Branch head without following the rules of engagement of temporary employees including calling for sponsorship from Employment Exchange. Hence, his engagement is illegal. Any appointment in the subordinate cadre has to be made by an authority competent to make such appointment within the sanctioned vacancies and also subject to fulfillment of eligibility criteria for such appointment. In the normal course, employment of persons in sub-staff cadre in the Bank can be done only through Employment Exchange. In terms of the guidelines issued by the Bank any appointment in sub-ordinate either permanent or temporary is to be made only with the prior permission/sanction from General Manager (HRM). The Branch Manager has no authority to engage sub-staff/sweeper either on temporary/permanent

basis. While engaging the services of the concerned workman, the Branch Manager has neither notified the vacancy nor he was sponsored by Employment Exchange. Hence, his engagement and continuation is unauthorised and in violation of Articles 14 and 16 of Constitution of India.

It has been prayed that the Hon'ble Tribunal be pleased to pass an award dismissing the claim of the concerned workman.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The management has not produced any oral evidence.

The concerned workman examined himself as WW-1 and proved documents as Exts. W-1 to W-10.

6. Main argument advanced on behalf of the concerned workman is that he has worked with the management from time to time as casual sweeper/peon with the management at Begusarai Branch from 17-1-91 to 1-10-96. During his service he discharged duties of opening the Bank's gate, sweeping, cleaning the branch premises, taking out registers/ledgers from the almirah, placing the same on table, counters and vice-verse; carrying token Book, scroll register from cash Department to Accounts Department and vice-versa; posting of mails wherever required, stitching of currency notes/vouchers whenever required, serving water, tea to the member of staff and he used to work from 10 A.M. to 6 P.M. regularly and sometimes even beyond that as per requirement. The management issued guidelines for regularisation of subordinate cadre. The name of the workman was forwarded to the Higher Authorities of the Bank for regularising his service in Bank's Subordinate Cadre. So, his services should be regularised as full time sweeper.

7. The management representative argued that he was part-time sweeper and performing the job in the Bank on casual basis and he cannot be regularised. It has been argued that public employment cannot be given in such way for regularisation of casual workers.

8. In this respect the concerned workman stated all things in his evidence as WW-1. In management's circular (Ext. W-1) some guidelines have been issued. As per Ext. W-1, Tripartite Settlement at para 2 which mentions that casual temporary peons/sweepers who have worked for 240 days or more in consecutive 12 months between 1-1-1991 and 1996 and are still working will be absorbed during financial year 2009-09. It shows that the concerned workman has worked upto 1-10-1996 with the management and as per Tripartite Settlement Para 2 he is entitled to regularised as per Bank's circular.

9. The management's representative argued that the concerned workman is not still working. He worked from 17-1-1991 to 1-10-1996 with intermittent breaks. But the

concerned workman worked upto 1-10-1996 with the management. At the time of Tripartite Settlement he was working with the management and he should be absorbed and the circular will have to follow. As per Ext. W-2 the concerned workman's name has been referred by the Regional Manager to Sr./Branch Manager for his regularisation and as per Ext. W-3 his name has been recommended from Br. Manager to Regional Manager for regularisation and Ext. W-4, the circular issued by the management for empanelment for engagement. In this respect in the circular it has been mentioned the list of persons, who have completed 90 days and more upto 29-2-96 as approved by the Head Office can be utilised in leave vacancy of permanent peon and not otherwise. It only shows that the concerned workman has worked for more than 90 days and he should be regularised as per Ext. W-4. Ext. W-4/1 is letter from Regional Manager to Sr. Branch Manager asking information regarding casual who is working prior to 27-2-96. Ext. W-5 dated 9-9-01 has been certified by the Br. Manager that the concerned workman is a staff of the Branch. His name has also been mentioned by the Regional Manager, as per Ext. W-6 for working 90 days upto 29-2-96. As per Ext. W-7 information has been given by the Branch Manager to Regional Manager in which the concerned workman's name has been mentioned which shows that he has worked 90 days or more upto 29-2-96 and as per Ext. W-8 School Leaving Certificate and Employment Exchange Card of the concerned workman has been demanded by the Regional Manager from Branch Manager and as Ext. W-9 reference has been made regarding the concerned workman and Ext. W-10 dt. 9-4-96 data has been wanted by Zonal Office for engagement of sub-staff engaged for 90 days and above upto 29-2-96.

When there is circular and there is Tripartite Settlement with the management then the management is bound to follow the settlement. As per Tripartite Settlement it has been found that the concerned workman has worked for more than 90 days upto 1-10-1996.

10. The management referred 2004 Supreme Court Cases (L & S) 918, 2006 Supreme Courts Cases (L & S) 190, 2006 Supreme Court Cases (L & S) 253, & 2006 Supreme Court Cases (L & S) 1152. The Hon'ble Supreme Court held that public employment cannot be given to the casual workers. But in the present case there is a Tripartite Settlement between the union and the management and also circular for absorbing the persons who had worked as part time peon/sweeper upto 29-2-1996 and worked for more than 90 days. The concerned workman worked for more than 90 days upto 29-2-1996 and as per circular and Tripartite Settlement, he is entitled to be regularised as a full time sweeper/Peon.

11. In the result, I hold that the action of the management of Bank of Baroda, Patna in not regularising the services of Shri Ajay Kumar Jha, casual Sweeper/Peon, Zero Mile, Begusarai Branch, Bank of Baroda is not legal

and justified. Hence, the concerned workman is entitled to be regularised in the service with retrospective effect.

This is my Award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 30 अप्रैल, 2012

का.आ. 1799.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 43/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2012 को प्राप्त हुआ था।

[सं. एल-12011/49/2009-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 30th April, 2012

S.O. 1799.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award (Ref. No. 43/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 17-4-2012.

[No. L-12011/49/2009-IR (B-II)]

SHEESH RAM, Section-Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

BANGALORE

Dated : 4th April 2012

PRESENT

SHRI S. N. NAVALGUND
PRESIDING OFFICER

C. R. No. 43/2009

I PARTY

The Joint Secretary,
Bank of Maharashtra
Employees Union (AIBEA)
C/o Bank of Maharashtra,
No. 343, 3rd Main, SFS 407,
4th Phase, Yelahanka New Town,
Bangalore-64

II PARTY

The General Manager,
Bank of Maharashtra,
15, Police Station Road,
Baswangudi,
Bangalore-560064

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section(1) and Sub section 2A of Section 10 of the Industrial Disputes Act, 1947(14 of 1947)has referred this dispute vide order No.L-12011/49/2009-IR (B-II) dated 12-8-2009 for adjudication on the following Schedule:—

SCHEDULE

Whether the management of Bank of Maharashtra, Regional Officer, Basavanagudi, Bangalore were just and proper in awarding punishment of 'CENSURE' in respect of misconduct under Clause 19.7(d) and Clause No.19.7(j) of the Bipartite Settlement and also simultaneously ordering the recovery of Rs.62,500 from the salary of Shri Shashidhar Rao Mulki, Computer Operator, is just and proper? To what relief is the delinquent workman entitled to?

2. After receipt of the reference when notices were issued to both the sides the Second Party entered its appearance through Shri Ramesh Upadhyaya, Advocate. Since the first party did not appear inspite of service of notice through RPAD after providing him number of opportunities to appear and file claim statement the second party was called upon to file the statement substantiating the impugned action against the first party. Inspite of providing several opportunities to the second party the second party also since failed to file any statement substantiating the impugned action, today i.e. on 4-4-2012 there being no representation for the second party taking that second party has no statement to file substantiating the impugned action, I proceed to pass this award.

3. Since as per the schedule of reference the burden is lying on the second party to justify awarding the punishment of 'Censure' and also simultaneously ordering the recovery of Rs.62,500 from the salary of Shri Shashidhar Rao Mulki, Computer Operator, in the absence of filing any statement in substantiating the same I have no other go except to pass an award that second party having failed to justify its action. Hence I pass the following award.

AWARD

The reference is allowed and awarding punishment of 'Censure' in respect of the alleged misconduct under Clause No.19.7(d) and 19.7(j) of the Bipartite Settlement and also simultaneously ordering the recovery of Rs.62,500 from the salary of Shri Shashidhar Rao Mulki, Computer Operator holding as not just and proper. If already the recovery of Rs.62,500 has been made from the salary of Shashidhar Rao Mulki, Computer Operator same has to be refunded to him by the management.

(Dictated to PA transcribed by her corrected and signed by me on 4-4-2012)

S. N. NAVALGUND, Presiding Officer

नई दिल्ली, 30 अप्रैल, 2012

का.आ. 1800.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंचाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, नई दिल्ली के पंचाट (संदर्भ संख्या

29/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-4-2012 को प्राप्त हुआ था।

[सं. एल-12011/140/2008-आईआर (बी-II)]
शीश राम, अनुभाग अधिकारी

New Delhi, the 30th April, 2012

S.O. 1800.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No.29/2009) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 20-4-2012.

[No. L-12011/140/2008-IR (B-II)]
SHEESH RAM, Section Officer

ANNEXURE

**IN THE COURT OF SHRI SATNAM SINGH,
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-II, KARKARDOGMA, DELHI**

ID No.29/2009

In the matter between:

The General Secretary,
All India Punjab National Bank Workers Federation,
Central Office: Punjab National Bank, L-Block,
New Delhi-I 10001 ... Workman

VERSUS

The General Manager (HRD),
Punjab National Bank,
Head Office Bhikaji Cama Place,
New Delhi-110066 ... Management.

AWARD

The Central Government, Ministry of Labour vide order No.L-12011/140/2008-IR (B-II) dated 24-3-2009 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Punjab National Bank, New Delhi not promoting the workmen as these workmen had already passed the test held on 17-12-2006, is legal and justified."

2. Statement of claim was filed by the General Secretary Mr. J.K.Sawhney on behalf of all the affected workmen. Written statement was filed by the management bank. Today, i.e. 12-3-2012 when the case was fixed for filing rejoinder from the side of the workmen, Shri J.K.Sawhney General Secretary of the workmen has made a statement stating therein that all the affected workmen who had passed the test held on 17-12-2006 have been promoted to their satisfaction as well as to the satisfaction of the Union and no grievance of any kind is left now. As the

grievance of the workmen has already been redressed by the management bank and no grievance of any kind has remained in this case, a no dispute award is passed in this case and the reference sent by the Govt. of India to this Tribunal stands disposed of accordingly.

Dated 12-3-2012 SATNAM SINGH, Presiding Officer
नई दिल्ली, 30 अप्रैल, 2012

का.आ. 1801.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/48/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-4-2012 को प्राप्त हुआ था।

[सं. एल-12012/2/2005-आईआर (बी-II)]
शीश राम, अनुभाग अधिकारी

New Delhi, the 30th April, 2012

S.O. 1801.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/48/2005) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 19-4-2012.

[No. L-12012/2/2005-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE SHRI J.P.CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/48/2005 Date: 11-4-2012

Party No.1 : The Regional Manager,
Central Bank of India,
Victoria Building, Near Bharat Talkies,
Kamptee Road, Nagpur (MS)-440001

Versus

Party No.2 : Shri Haridas S/o. Gopal Vaidya,
R/o. Mangli (Chauras), Tah, Paoni,
Distt. Bhandara (MS)

AWARD

(Dated: 11th April, 2012)

In exercise of the powers conferred by clause (d) of sub-Section (1) and sub-Section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Central Bank of India and their workman, Shri Haridas Vaidya, for adjudication, as per letter No.L-

12012/2/2005-IR (B-II) dated 26-5-2005, with the following schedule:—

"Whether the action of the management of Central Bank of India, Nagpur Region, Nagpur (MS) in terminating the service of shri Haridas S/o. Gopal Vaidya, Ex-Safai karamachari at the Asgaon Branch of the Bank is proper & justified? If not, to what relief is the workman concerned is entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shr Haridas Valdyia, ("the workman" in short), filed the statement of claim and the management of the Central Bank of India, ("Party No. 1" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that he was engaged by party no. 1 at Asgaon Chouras branch on monthly wages of Rs. 175 P.M. for cleaning the premises and bringing water and he rendered continuous service from 1-6-1991 till 15-5-1993 and his duty hours were from 9.A.M. to 5 P.M. and as he repeatedly asked for enhancement of wages, the party no. 1 became annoyed and terminated his services orally on 15-5-1993, saying that his services were no more required and termination of his services was patently for false reason and by way of victimization and not in good faith, but in colourable exercise of right and before termination of his services, the provisions of Section 25-F of the Act were not complied with by party no. 1 and as such, termination of his services was illegal and though he sent a legal notice on 28-5-1993 to the party no. 1 no reply was given to such notice by party no. 1 and he had filed a complaint under M.R.T.U & P.U.L.P Act, 1971, before the Labour Court, Bhandara and the Labour Court allowed the application and directed to reinstate him in service with continuity and full back wages, but the party no. 1 filed Revision ULP No. 34/2002, before the Industrial Court, Bhandara and the revision was allowed on 8-6-2004 and in the writ petition no. 4252/2004 filed before the Hon'ble High Court, Nagpur Bench by him against the order of the Industrial Tribunal, the Hon'ble High Court directed to agitate the matter before the Central Government Industrial Tribunal and in obedience to the order of the Hon'ble High Court, he filed application before the ALC (C), Nagpur for conciliation and as the conciliation failed, the ALC(C) submitted the failure report to the Central Government and Central Government has referred the matter to this Tribunal for adjudication.

It is further pleaded by the workman that the work which he was performing was and is regular nature of work and it was incumbent upon the party no. 1 to regularize his services, but instead of doing so, the party no. 1 terminated his service in colourable exercise of power and the party no. 1 also did not display any seniority list as required by Section 25-G of the Act and Rule 81 of the Industrial Disputes (Central) Rules, 1957 ("the Rules" in short) and

several juniors were retained in service and new employees were engaged after his termination and he is entitled for reinstatement under Section 25-H of the Act and one Mr. Mohan Ramteke was appointed in his place, by illegally terminating his services and from the date of his termination from services, he is not gainfully employed elsewhere. The workman has prayed for his reinstatement in service with continuity and full back wages.

3. The party no.1 in its written statement has pleaded inter-alia that the workman was engaged by it as a part time daily wager on purely temporary basis, for cleaning the branch premises, fetching and storing of drinking water etc. as and when required and the workman was being paid a lump sum amount of Rs. 175 per month towards his remuneration and the workman was engaged as such for the first time on 1-6-1991 and he was never engaged as a regular employee of the Bank and he worked intermittently at Asgaon Chauras Branch and the period of his work as a daily wager is annexed as annexure 'A' to the written statement and the workman worked upto January, 1993 only and that too, intermittently and the workman was required to work hardly for 1.00 to 1.30 hours and there was no question of providing full day's work and when his service was no more required by it, the workman was not engaged, so there was no question of termination of his services on 15-5-1993 illegally or colourable exercise of power or due to victimization and the provisions of Section 25-F of the Act are not applicable to his case. The party no.1 has not disputed the filing of the case by the workman under MRTU and PULP Act and revision by it, before the Industrial Court and filing of Writ no. 4252/2004 by the workman and the results thereof, as mentioned in the statement of claim. However, it is pleaded by the party no. 1 that there was and is absolutely no industrial dispute between it and the workman, for the simple reason that the workman was never employed by it as its regular employee and the provisions of Sections 25-G and 25- H are also not applicable at all to the case of the workman and Model Standing Orders etc does not apply to it in view of the facts that the service conditions of all regular and permanent employees are governed by the provisions of Bi-partite Settlements and Shri Mohan Ramteke was recruited by the Regional Office by following the guidelines and recruitment procedure to fill the post of 1/3rd part time safai karmachari at Asgaon Chauras branch, which was reserved for schedule caste candidate and Shri Ramteke is a regular and permanent 1/3rd PSTK of the Bank and as the workman was a temporary part time daily wager and his engagement was as and when required, he has absolutely no case for regularization in service and the workman is not entitled for any relief.

4. In the rejoinder, the workman has pleaded that the annexure 'A' submitted by the party no.1 is not correct and even or holidays, he was required to accompany the Manager and other Bank officers for recovery and besides

sweeping, cleaning toilets, filling water, he was also doing all the work of a peon.

5. Besides placing reliance on documentary evidence, the workman examined himself as a witness, in support of his claim. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim and rejoinder. However, in his cross-examination, the workman has admitted that no written appointment order was given to him by the bank and he was working on daily wages in Asgaon Chauras branch of the bank and for the first time, he was engaged as a daily wager in the month of June, 1991 and he was paid monthly on vouchers and he had never signed any muster roll like other employees of the Bank and he had worked as per oral orders of the Manager. The workman in his cross-examination has further stated that he cannot say if Shri Mohan Ramteke was only sponsored by the employment exchange for 1/3rd part time safai karmachari and the said post was for S.C. candidate only and Shri Ramteke was appointed against the said post.

6. One Shri Kamalakar R. Nandgaonkar, an Asstt. Regional Manager of the party no. 1 has been examined as a witness on behalf of the party no. 1. His evidence is also in the same line of the defence taken by party no. 1 in the written statement. It is necessary to mention here that as neither the workman nor anybody else appeared on behalf of the workman to cross-examine the witness for the party no. 1, "no cross" order was passed and as such, the evidence of the witnesses for the party no. 1 remained unchallenged. It is also necessary to mention here that as per order dated 8-2-2012, the case proceeded ex parte against the workman.

7. In view of the stands taken by the parties, I think it apt to mention the principles enunciated by the Hon'ble Apex Court in this regard, before embarking upon the discussion of the merit of the case.

The Hon'ble Apex court, in the decision reported in AIR 1966 SC-75 (Employees, Digawadih Colliery Vs. Their workmen) have held that:—

"Though Section 25-F speaks of continuous service for not less than one year under the employer, if the workman has actually worked for 240 days during a period of 12 calendar months both the conditions are fulfilled. The definition of "Continuous Service" need not be read into Section 25-B. The fiction converts service of 240 days in a period of twelve calendar months into continuous service for one complete year. The amended Section 25-B only consolidates the provisions of Section 25(B) and 2(eee) in one place, adding some other matters. The purport of the new provisions, however, is not different. In fact, the amendment of Section 25-F of the principal Act by substituting in clause (b) the words "for every completed year of continuous

service" has removed a discordance between the unamended Section 25-B and the unamended Cl. (b) of Section 25-F no uninterrupted service is necessary if the total service is 240 days in a period of twelve calendar months either before the several changes or after these. The only change in the Act is that the service must be during a period of twelve calendar months preceding the date with reference to which calculation has to be made. The last amendment has now removed a vagueness which existed in the unamended Section 25-B".

In the decision reported in AIR 1981 SC-1253 (Mehanlal Vs. M/s. Bharat Electronics Ltd.), the Hon'ble Apex Court have held that,

"Industrial Disputes Act (14 of 1947). Section 25-B (1) and (2)- Continuous service-Scope of sub-Sections (1) and (2) is different, (words and phrases-Continuous Service)

Before a workman can complain of retrenchment being not in consonance with Section 25-F, he has to show that he has been in continuous service for not less than one year under that employer, who has retrenched him from service. Section 25-B as the dictionary clause for the expression "continuous". Both in principle and are precedent it must be held that Section 25-B (2) comprehends a situation where a workman to not in employment for a period of 12 calendar months, but has rendered for a period of 240 days within the period of 12 calendar months commencing and counting backwards from the relevant date, i.e. the date of retrenchment. If he has, he would be deemed to be in continuous service for a period of one year for the purpose of Section 25-B and chapter V-A".

The Hon'ble Apex Court in the decision reported in AIR 2003 SC-38 (M/s. Essen Deinay Vs. Rajeev Kumar) has held that:

"Industrial Disputes Act (14 of 1947) S.25-F, 10-Retrenchment compensation-Termination of services without payment of -Dispute referred to Tribunal-Case of workman/claimant that he had worked for 240 days in a year preceding his termination- Claim denied by management-Onus lies upon claimant to show that he had in fact worked for 240 days in a year-In absence of proof of receipt of salary workman is not sufficient evidence to prove that he had worked for 240 days in a year preceding his termination."

So, it is clear from the principles enunciated by the Hon'ble Apex Court in the decisions mentioned above that for applicability of Section 25-F of the Act, it is necessary to prove that the workman worked for 240 days in preceding 12 calendar months commencing and counting backwards from the relevant date and the burden of such proof is upon the workman. So, keeping In view the settled principles enunciated by the Hon'ble Apex Court, now, the present case at hand is to be considered.

8. The present case at hand is now to be considered with the touch stone of the principles enunciated by the Hon'ble Apex Court and it is to be found out, if the workman has been able to prove that he had infact worked at least for 240 days in a year preceding his termination. According to the workman, his services were orally terminated on 15-5-1993. So, it is necessary for the workman to prove that in the preceding twelve calendar months of 15-5-1993, he had worked for 240 days.

9. In this case, the workman has filed the copy of the legal notice sent by him, copy of orders passed by Labour Court, his deposition before the Labour Court, order passed by Industrial Court and order passed by the Hon'ble High Court. He has not filed any document in support of his claim that he had infact worked for 240 days in the preceding 12 calendar months of the date of his alleged termination of services i.e. 15-5-1993. On the other hand, party no. 1 has filed the copy of the vouchers, under which the workman was paid wages. Such vouchers do not show that the workman worked for 240 days in the preceding 12 calendar months of 15-5-1993. As the workman has failed to prove that he had infact worked for 240 days in the preceding 12 months of 15-5-1993, the provisions of Section 25-F of the Act are not applicable to his case. There is also no evidence on record to show that party no.1 violated the provisions of Section 25-G and 25-H of the Act. Hence, the workman is not entitled to any relief. It is ordered:—

ORDER

The action of the management of Central Bank of India, Nagpur Region, Nagpur (MS) in terminating the service of shri Haridas S/o. Gopal Vaidya, Ex-Safai karamachari at the Asgaon Branch of the Bank is proper & justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 2 मई, 2012

का.आ. 1802.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/49/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2012 को प्राप्त हुआ था।

[सं. एल-12012/60/2001-आईआर (बी-II)]

शौश राम, अनुभाग अधिकारी

New Delhi, the 2nd May, 2012

S.O. 1802.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/49/2001) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of Punjab National Bank and their workman, which was received by the Central Government on 12-4-2012.

[No. L-12012/60/2001-JR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/49/2001 Date: 21-3-2012

Party No.1 : The Regional Manager,
Punjab National Bank, Kingsway,
Nagpur -440001

Versus

Party No. 2 : Shri Ashwin Dadarao Bhaisare,
R/o. Budhanagar, Unit II, Near Anand
Budha Vihar, Indora, Nagpur.

AWARD

(Dated: 21st March, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Punjab National Bank and their workman Shri Ashwin Bhaisare, for adjudication, as per letter No. L-12012/60/2001-JR (B-II) dated 10-7-2001, with the following schedule:—

"Whether the action of the management of the Punjab National Bank represented by Regional Manager, Punjab National Bank, Nagpur (ii) The Branch Manager, P.N.B. Branch Khamla, Nagpur in terminating the services of Shri Ashwin Dadarao Bhaisare R/o. Budha Nagar, Indora, Nagpur w.e.f. 20-10-2000 is legal, proper and justified? If not, to what relief the said workman is entitled to and from what date?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Ashwin Bhaisare, ("the workman" in short), filed the statement of claim and the management of the Punjab National Bank ("Party No. I" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that he entered into the service of the party no. I on 1-1-1997 on temporary basis and though no appointment order was issued, he was directed orally to perform the duties as a peon and initially he was posted to Khamla Branch of the Bank, but on 2-1-1997, he was transferred to extension counter at K.D.K. College, Nandanwan, Nagpur and though his appointment was on temporary basis, he was required to work for full working

hours and his services were utilized for all the working days in a month and though he was working at par with other peons, he was being paid a meager salary of Rs. 175 per month, whereas the peons employed in the Bank were drawing salary of Rs. 4000 per month and he was entrusted with the duties of clearance of cheques from main branch, clearing and sweeping of the Bank and to bring cash from the main branch to extension counter and he worked continuously with the party no. I from the date of his appointment and completed 240 days of services and acquired permanent status and in October, 2000, he approached the Branch Manager, requesting to increase his salary and to give benefits available to the peons working in permanent establishment, which enraged the party no. I, so party no. I by oral order, terminated his services w.e.f. 20-10-2000 without issuing any notice of termination or payment of one month's wages in lieu of notice, as contemplated under section 25-F of the Act and no termination benefits as required under was given to him and there are eighteen branches of the party no. I in Nagpur and number of posts of peon are vacant and party no. I retained juniors in service, while terminating his services and the principles of "last come first go" was not followed and he is the sole bread earner of the family and termination of his services has rendered the whole family to starvation and poverty and the oral termination dated 20-10-2000 is illegal and arbitrary and while terminating his services, the party no. I did not take into consideration his past unblemished service record and the order impugned is also unsustainable on that ground.

The workman has prayed for his reinstatement in service with full back wages, continuity in service and all the consequential benefits.

3. In the written statement, the party no. I has pleaded inter-alia that at no point of time, the workman was appointed as a peon by it and the workman was engaged as a sweeper as stop gap arrangement and he was not appointed on regular basis, by following the due procedure and he was required to work for about two hours and the nature of work was cleaning and sweeping the branch premises and admittedly, no appointment order was issued in favour of the workman and there was no question of appointment and posting and on few occasions, his services were used for the work of delivery of dak, for which, conveyance was paid to him and as the workman was engaged for about two hours per day for cleaning and sweeping the branch premises, purely as a stop gap arrangement, he was paid a sum of Rs. 175 per month as agreed and the allegations about completion of 240 days of continuous service are irrelevant, as the basic engagement of the workman was purely on temporary and adhoc basis and appointment of part time employees in the Bank is governed by settlement arrived at during the course of conciliation proceedings and the permanent vacancy of part time employees (sweepers) is filled up in terms of the

said settlement, in the stop gap arrangement for a specific period a person can be engaged to do cleaning and sweeping work on payment at agreed rate and the workman had never approached the Bank Manager to increase his salary and to give benefits available to the peons working in permanent establishment and there was no question of the workman approaching the Manager for the same and he knew very well that the Manager cannot increase the salary and to extend other benefits and the banking service has its own rules about engagement of employees and as there was no appointment, there was no question of termination of the services of the workman and there was also no question of the workman acquiring permanent status and junior to the workman were never retained in service and there was no unfair labour practice as alleged and the discontinuation of the workman cannot be treated as termination and no show cause notice was required to be served on the workman, as there was no misconduct and the concept of 240 days of continuous service for the regularization cannot be made applicable to case of the workman, as there is no such provision in the Bi-partite Settlement, which governs the 'service conditions of the employees of the bank and the workman is not entitled for any relief.'

4. Both the parties have led oral evidence, besides placing reliance on the documentary evidence, in support of their respective claims. The workman has examined himself as a witness. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim. In his cross-examination, the workman has admitted that he was not given any appointment letter. It is also necessary to mention here that during his cross-examination, the workman has tried to show that there was an examination for his engagement and he had also received a call letter for the examination. However, in absence of any pleading in the statement of claim and in absence of any evidence on record in that respect, such statement of the workman cannot be believed.

5. One Shri Sudhir M. Ardhapurkar, a Senior Manager (Personnel) of party no. I has been examined as a witness by party no. I. This witness has also reiterated the facts mentioned by the party no. I in the written statement, in his evidence. In his cross-examination, the witness for the management has admitted that the workman was not working during his tenure and he has filed his affidavit on the basis of the record.

6. At the time of argument, it was submitted by the learned advocate for the workman that, the workman came to be appointed by party no. I on 1-1-1997 and he continued in employment till his oral termination w.e.f. 20-10-2000 with a meager salary of Rs. 175 per month and he had completed 240 days of work and the evidence adduced by the workman including Exts. W-1 and W-2, which have been admitted by party no. I, clearly shows that the work man was working since January, 1997 and the

provisions of Section 25-F of the Act and Section 66 of the Bombay Shops and Establishments Act, 1948 were not complied with and in the decision reported in (2009)-S-SCC-556 (Maharashtra State Road Transport Corporation Vs. Casttribe Rajya Parivahan Sangathan), the Hon'ble Apex Court have held that Karmachari once a labour has completed 240 days in a year, then irrespective of the judgment in Umadevi's case, he is entitled to benefits under I.D. Act, before terminating of his services and workman included even a part time/temporary worker and therefore the workman is a workman and the termination of his services amounts retrenchment and the party no. I has not produced the relevant documents and the termination of the services of the workman is illegal due to non-compliance of the provision of Section 25(F) and 25(G) of the Act and Section 66 of the Bombay Shops and Establishment Act and the workman is entitled to reinstatement in service with continuity and full back wages.

7. On the other hand, it was submitted by the learned advocate for the management that the workman was never appointed as a peon and he was engaged as the sweeper on stop gap arrangement and he had not completed 240 days of work and he was paid Rs. 175 per month as agreed and the provision of section 25-F of the Act and Bombay Shops and Establishment Act are not applicable and the workman is not entitled to any relief.

8. At this juncture, I think it proper to mention about the submission made by the learned advocate for the workman regarding the application of Section 66 of the Bombay Shops and Establishment Act. There is no pleading in the statement of claim that the provisions of Bombay shops and Establishment Act are applicable to party no. I. No evidence has been adduced in that respect. Hence, the submission that provision of Section 66 of the Bombay Shops and Establishment Act are applicable to the case of the workman has no force. Hence, with respect, I am if the opinion that the judgment of the Hon'ble Apex Court cited by the learned advocate for the workman has no application in the present case.

9. It is well settled that employees employed on part time basis but under control and supervision of employer is a workman and he would be entitled to benefit of continuous service under section 25-B and protection of section 25-F of the Act. Hence, even if, the plea taken by the party no. I that the workman was engaged as part time sweeper is believed, still then, the workman can be said to be a workman as defined under section 2(oo) of the Act.

It is also well settled that before a workman can be considered to have one year of continuous service in an industry, it must be shown first that he was employed for a period of not less than 12 calendar months and next that during the preceding 12 calendar months of the alleged date of termination had worked for not less than 240 days.

It is also well settled that the initial burden is on the workman to prove that he worked for 240 days in the preceding 12 months of his date of termination.

10. In the case, the workman besides filing his evidence on affidavit has also filed the documents, Exts. W-1 and W-2 to prove that he worked for 240 days preceding the 12 calendar months of the date of his termination. The documents, Exts. 1 and 2 have been admitted in to evidence on the admission of party no. I. Exts. 1 and 2 show that workman was working for full day from January, 1997 with party no. I. Party no. I has also not denied in the written statement that the workman did not work for 240 days in a year, though it has been stated that the concept of 240 days of continuous service for the purposes of regularization is not applicable in the case of the workman. From the evidence on record, it is found that the workman has been able to show that he worked for 240 days in the preceding 12 calendar months of 20-10-2000. Hence, the termination of the services of the workman can be said to be retrenchment. As admittedly, the provisions of section 25-F of the Act i.e. one month's notice or one month's pay in lieu of notice or retrenchment compensation was not paid to the workman before termination of his services, such termination is held to be illegal.

11. Now the moot question for consideration is as to what relief or reliefs the workman is entitled to. Admittedly, the workman was appointed temporarily about 15 years back. His appointment was not in accordance with instant recruitment rules of party no. I. In such a case, the relief of reinstatement cannot be justified. Hence the workman is not entitled for reinstatement in service. Instead of reinstatement, monetary compensation would meet the ends of justice. Taking into consideration the period of service of the workman and the facts and circumstances of the case in a whole, in my considered opinion, monetary compensation of Rs. 50,000 (Rupees Fifty thousand only) in lieu of reinstatement shall be appropriate, just and equitable. Hence, it is ordered :

ORDER

The action of the management of the Punjab National Bank represented by Regional Manager, Punjab National Bank, Nagpur, (ii) The Branch Manager, P.N.B. Branch Khamla, Nagpur in terminating the services of Shri Ashwin Dadarao Bhaisare R/o Budha Nagar, Indora, Nagpur w.e.f. 20-10-2000 is illegal, improper and unjustified. The party no. I, the Regional Manager, Punjab National Bank, Nagpur is directed to pay monetary compensation of Rs. 50,000 (Rupees fifty thousand only) to the workman, Shri Ashwin Dadarao Bhaisare. The award be given effect to by the party no. I, within one month of the date of publication of the award in the Official Gazette.

J. P. CHAND, Presiding Officer

नई दिल्ली, 2 मई, 2012

का.आ. 1803.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/70/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2012 को प्राप्त हुआ था।

[सं. एल-12012/73/2004-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 2nd May, 2012

S.O.1803.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/ NGP/70/2004) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 12-4-2012.

[No. L-12012/73/2004-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/70/2004

Date : 29-3-2012

Party No. 1 : The Asstt. General Manager,
Bank of India,
Nagpur Zone, Zonal Office, S. V. Patel
Marg, Post Box No. 4, Nagpur-440001

Versus

Party No. 2 : Shri Nathuji Vithuji Dayalwar,
R/o & Post-Manora, Tah-Ballarpur,
Distt. Chandrapur (MS)

AWARD

(Dated : 29th March, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Bank of India and their workman Shri Nathuji Dayalwar, for adjudication, as per letter No.L-12012/73/2004-IR (B-II) dated 19-7-2004, with the following schedule:

"Whether the action of the management of Bank of India, in terminating the services of Shri Nathuji Vithuji Dayalwar, Safai Kamgar, Bank of India, Branch Manora, Tah-Ballarpur, Distt. Chandrapur (MS) on

27-6-2003 is legal and justified? If not, what is the relief to which the workman is entitled?

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Nathuji Dayalwar, ("the workman" in short), filed the statement of claim and the management of Bank of India ("Party No.1" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that he came to be appointed with party no. 1 in the year 1996, as a safai kamgar and from the date of his appointment, he worked continuously with party no. 1 and he was never served with any charge sheet or memo during his entire service career, but he was terminated from services by party no.1 orally, w.e.f. 26-6-2003 and before termination of his service, neither any notice nor notice pay in lieu of the notice or retrenchment compensation was given to him and the termination of his service was without compliance of the mandatory provisions of section 25-F of the Act and there was also violation of section 25-G of the Act, as the party no.1 did not display any seniority list and the post in which he was working is still vacant and as the termination of his service amounts to retrenchment and such retrenchment was without following the mandatory provisions of Section 25-F of the Act, the same is illegal, arbitrary and colourable exercise of power. The workman has prayed for his reinstatement in service, as per the provisions of Section 25-H of the Act.

3. The party no.1 in its written statement has pleaded inter-alia that there was no employer and employee relationship between it and the workman and the workman was never appointed as safai kamgar by it in 1996 and as such, there was no question of termination of the services of the workman w.e.f. 26-6-2003 orally and no post of safai kamgar is vacant with it and the workman is not entitled to any relief.

4. It is necessary to mention here that even though the workman had filed his evidence on affidavit, in support of his claim, he did not appear for cross-examination, even though, he had been given number of opportunities for the same. As the workman did not appear for his cross-examination, by order dated 7-4-2011, his evidence on affidavit was expunged and the evidence was closed from his side. It is also necessary to mention here that the party no. 1 did not adduce any oral evidence in support of his case.

5. It is well settled that when a workman raises a dispute challenging the validity of the termination of his services, it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or to produce evidence, the dispute

referred by the Government cannot be answered in favour of the workman and he could not be entitled to any relief.

In this case also, the workman has failed to produce any evidence in support of his claim. Therefore, the workman is not entitled for any relief and the reference cannot be answered in his favour. Hence, it is ordered:—

ORDER

The action of the management of Bank of India, in terminating the services of Shri Nathuji Vithuji Dayalwar, Safai Kamgar, Bank of India, Branch Manora, Tah-Ballarpur, Distt. Chandrapur (MS) on 27-6-2003 is legal & justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 2 मई, 2012

का.आ. 1804.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया एश्योरेस कं. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सौजीआईटी/एनजीपी/30/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2012 को प्राप्त हुआ था।

[सं. एल-17011/4/2002-आईआर (बी-11)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 2nd May, 2012

S.O. 1304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/30/2004) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New India Assurance Co. Ltd. and their workman, which was received by the Central Government on 12-4-2012.

[No. L-17011/4/2002-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/30/2002 Date : 16-3-2012

Party No.1 : The Regional Manager,
New India Assurance Co. Ltd.
Gopalkrishna Bhavan, Near Rani Jhansi
Square, Sitabuldi, Nagpur-440012

Versus

Party No.2 : The Secretary,
The General Insurance Emply. Union,
W.Z. Branch, 15 AD,
Complex, Mount Rd. Sadar,
Nagpur- 440012.

AWARD

(Dated: 16th March, 2012)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of New India Assurance Co. Ltd. and their workman Shri Arvind Jeevan Singh, for adjudication, as per letter No. L- 17011/4/2002-IR (B-II) dated 7-5-2002, with the following schedule:

"Whether the action of the management of the New India Assurance Co. through its Regional Manager, Nagpur is justified in not regularizing Shri Arvind Jeevan Singh as Staff Car Driver w.e.f. 29-4-1998? If so, what relief is the said workman entitled to?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman, Shri Arvind Jeevan Singh, ("the workman" in short) filed the statement of claim and the management of the New India Assurance Company Ltd. ("Party No. I" in short) filed its written statement.

The case of the workman as projected by the workman in the statement of claim is that he is working with party no. I since 29-4-1998 as a staff car driver on daily wages basis and he has already worked for more than 1000 days and inspite of working for more than 1000 days, his services have not been regularized and wages is being paid to him on vouchers and cheques and he was being paid Rs. 90 per day upto September, 1999, Rs. 133 per day in October and November, 1999 and Rs. 150 per day from December, 2000 onwards and he had made representations, but he did not receive any reply or positive response from party no. I and he has the required qualifications and valid driving license for his appointment as a driver and as he has already worked for more than 1000 days as staff car driver, he is eligible to get permanency and regular appointment as the staff car driver.

The workman has further pleaded that he was employed by the party no. I on 29-4-1998 and since then he is regularly and continuously working as a driver and he has completed more than 240 days of work in every year and therefore, he has become a confirmed employee and is entitled to be regularized as a driver.

The workman has prayed to direct the party no. I to regularize his service as the staff car driver and to pay back wages and all other consequential benefits.

3. The party no. I in its written statement has pleaded inter-alia that the reference is not maintainable as the reference as well as the terms of the reference are patently illegal, as the government has gone into disputed question of fact, while making the reference, which is beyond the

scope and jurisdiction of the government and in this case, the workman has claimed regular employment and the dispute has been referred by the Government assuming certain facts which do not exist and the government has already decided that there is employer-employee relationship between it and the workman and the claim for regular employment is to be adjudicated and decided, which is factually incorrect and the reference has been made mechanically, without application of mind and no employer-employee relationship exists, as the workman was never appointed by it as alleged, hence the claim for regularization is not maintainable.

The further case of party no. I is that though the dispute was raised by the union, the statement of claim has been filed by the workman and this is not a reference under Section 2A of the Act and as such, the workman has no locus standi to file the statement of claim and for that the statement of claim cannot be considered and the reference is to be answered in its favour.

It is further pleaded by the party no. I that the workman was never appointed by it as staff car driver and infact, the services of the workman was utilized by it purely on as and when required basis and there was need for driving the staff car and the workman was engaged on day to day basis and as such the question of his regularization does not arise and there is also no vacancy of driver in its Regional Office and it is a Government of India undertaking and it has well defined recruitment policy for class III and IV cadre employees and to get regular employment with it, a person has to undergo the process of selection and the case of the workman cannot be considered for regularization, as he has never employed as per its laid down procedure and process of selection. The further case of the party no. I is that the workman was not regularly engaged and his service is being utilized on day to day requirement basis and wages on daily basis is being paid to him either through vouchers or cheques and since it has no vacancy of driver and there is no policy to regularize and recruit employees through back door, it is not possible to offer regular employment to the workman and there is no merit in the dispute and the same is liable to be answered in its favour.

4. In his rejoinder, the workman has further pleaded that the party no. I has regularized the services of many casual employees who were initially working as daily rated employees including Miss. Durga Mahule, who was regularized in 1994, Mr. Santosh Wahikar, who was regularized in 1999, Mr. Shankar Yerkantiwar, who was regularized in 1988, Mr. Rajesh Gujarkar, who was made permanent in 1997, Mr. Rajesh Shewere, who was made permanent in 1994, Mr. Hemraj Ade and Chandrakant Sawarkar in 2003.

5. Both the parties have led oral evidence in support

of their respective claims, besides placing reliance on documentary evidence. The workman has examined himself as a witness in support of his claim.

The examination-in-chief of the workman is on affidavit. In his evidence, the workman has reiterated the facts mentioned in the statement of claim and rejoinder. However, in the cross-examination, the workman has admitted that no order in writing was issued and no interview was taken and he was not sponsored by Employment Exchange and he does not know how appointments are made in party no.1 and he was engaged on daily wages basis and as the work of driver was not regular, he was doing the work of peon in the office at times.

6. One Vishwas Bansi Gaikward has been examined as a witness on behalf of the party no.1. His evidence is also in the line of the stands taken by party no.1 in the written statement. During his cross-examination, it was tried on behalf of the workman to prove that the workman was not working as a daily wager. But, in view of the specific pleading of the workman in the statement of claim and due to the admission made by him in his evidence that his engagement by party no.1 was on daily wage basis, such attempt is of no help to the workman.

7. In the written notes of argument, it was submitted by the learned advocate for the workman that the management had kept the workman on temporary basis for year together without regularizing his services and the post of driver is vacant and party no.1 has regularized many workers, who were initially appointed on temporary basis and there was discrimination and the workman is entitled for regularization.

8. Per contra, it was submitted by the learned advocate for the party no.1 that the reference is bad in law as government has gone into disputed question of fact while making the reference and the services of the workman was utilised as and when required basis on daily wages and day to day basis and his engagement was not in accordance with the recruitment rules of party no. 1 and as such, the case of the workman cannot be considered for regularization. In support of such contentions, learned advocate for the party no. 1 has placed reliance on the decisions reported in 1996(2) SLR-321 (State of Himachal Pradesh Vs. Suresh Kumar Verma), 2007-I-LLJ-1042 (Accounts Officer(A&I), APSRTC Vs. K.V. Ramana), (2005) 4 SCC-209 (Binod Kumar Gupta Vs. Ram Ashray Mahato), AIR 2005(SC)-1790 (Dhampur Sugar Mills Ltd. Vs. Bhola Singh), AIR 1997 (SC)-3657 (Himanshu Kumar Vs. State of Bihar), 1994 I LLJ-5 (Zakir Hussain Vs. Engineer-in-chief, Irrigation Department), AIR 1992 SC-2070 (Director, Institute of Management Development Vs. PVS Smt. Pushpa Srivastav), 1999 LLR-439 (State of UP Vs. Labour Court), 2009-17 SCC-473 (Bangalore Metropolitan Transport Corporation Vs. T.V. Anandappa) and some others.

9. In the decision reported in 1996(2) SLR-321 (Supra), the Hon'ble Apex Court have held that, "appointment on daily wages basis is not an appointment to a post according to the Rules."

10. In the decision reported in 2007-I-LLJ-1042(Supra), the Hon'ble Apex Court have held that, "Regularisation of contractual or casual employees dehors rules not to be granted by Courts. Their working for a long period not ground for regularization."

11. In the decision reported in (2005) 4 SCC-209 (Supra), the Hon'ble Apex Court have held that, "Merely because applicants were working in the post for 15 years, they cannot be allowed to continue in service."

12. In the decision reported in AIR 2005(SC) 1790 (Supra), the Hon'ble Apex Court have held that, "Daily wager-Regularisation of Service—Completion of 240 days of continuous service in year—May not itself be ground for directing regularization in services—Particularly in cases when workman had not been appointed in accordance with extent rules."

13. In the decision reported in AIR 1997 SC-3657 (Supra), the Hon'bie Apex Court have held that, "Daily wage employees—Appointment made on basis of need of work-Termination of their services—Cannot be construed to be retrenchment—Same is not arbitrary as they are not entitled to post."

14. In the decision reported in 1994-I-LLJ-5 (Supra), the Hon'ble High Court of Allahabad have held that, "Regularisation—Person appointed on adhoc basis on daily wages—Has no right to be regularized—Such person cannot claim to be regularized as a matter of right."

15. In the present case at hand, it is clear from the evidence on record that the workman was engaged on daily wages basis as and when required. It is also clear from the record that the employment of the workman was not in accordance with the Rules of recruitment of party no.1. So, applying the principles enunciated by the Hon'ble Apex Court and Hon'ble High Court mentioned above to the facts and circumstances of this case it is found that the workman is not entitled to claim regularization in service and he has no right to claim regularization in the post of staff car driver. Hence, it is ordered:—

ORDER

The action of the management of the New India Assurance Co. through its Regional Manager, Nagpur is justified in not regularizing Shri Arvind Jeevan Singh as Staff Car Driver w.e.f. 29-4-1998. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 2 मई, 2012

का.आ. 1805.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, नई दिल्ली के पंचाट (संदर्भ संख्या 181/2011) को प्रकशित करती है, जो केन्द्रीय सरकार को 13-4-2012 को प्राप्त हुआ था।

[सं. एल-12011/72/2008-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 2nd May, 2012

S.O. 1805.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 181/2011) of the Central Government Industrial Tribunal/Labour Court-1, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 13-4-2012.

[No. L-12011/72/2008-IR (B-II)]

SHEESH RAM. Section Officer

ANNEXURE

BEFORE DR R.K. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL
NO. I, KARKARDOOMA COURTS
COMPLEX : DELHI

I. D. No. 181/2011

Shri Kanti Rathi through
The Executive Member,
Akhil Bhartiya PNB Workers Organisation,
898, New Sadak, Chandni Chowk,
Delhi-110006 ... Claimant

Versus

The Regional Manager,
Punjab National Bank,
Regional Office,
LIC Building, Prabhat Nagar,
Saket, Meerut, U.P. ... Management

AWARD

1. A special assistant, working in Industrial Area, Muzaffar Nagar Branch, Punjab National Bank (in short the Bank) was served with a charge-sheet dated 18-6-2005. His reply to the said charge-sheet was found to be unsatisfactory, hence departmental enquiry was constituted against him. During the pendency of the said enquiry, 19 vacancies for promotion to Junior Management Grade-I were identified in Meerut, Muzaffar Nagar, Moradabad and Saharanpur Regions of the Bank.

Circular dated 8-8-2005 was issued in that regard. Eligible employees were called for test and interview for promotion to the aforesaid posts. Special Assistant, namely, Shri Kanti Rathi was also called for interview on 26-8-2005. Since the enquiry was pending against him, he was not approved for promotion. He made representations dated 7-9-2005 and 27-9-2005 to the bank in that regard. Since his representations were not answered favourably, he raised an industrial dispute before the Conciliation Officer. Conciliation proceedings failed and on consideration of failure report the Appropriate Government referred the dispute to Central Government Industrial Tribunal No. II, New Delhi, for adjudication vide order No.L-12011/72/2008-IR(B-II) New Delhi, dated 22-10-2008, with following terms:

“Whether the action of the management of Punjab National Bank in disapproving candidature of the employee Shri Kanti Rathi, Special Assistant, Industrial Area Branch, Muzaffar Nagar, for promotion in Junior Management Grade Officers Scale-I with effect from 26-8-2005 is legal and justified ? What relief the concerned employee is entitled to and from which date ?”

2. Claim statement was filed by Shri Rathi pleading therein that he is an activist of Trade Union movement, who espouses causes of his fellow employees. Being a dedicated and committed Trade Union worker he has raised strong voice against harassment, victimization as well as corruption of senior officers and in that process has to bear the burnt of those officers. The bank's policy and procedure for promotion of clerks and special assistants as officers are governed by settlement dated 29-10-1998. Seniority of an employee is determined on the basis of priority marks. These priority marks are given for services rendered in the bank as well as for educational qualifications, acquired by an employee. For promotion seniority and merit go together.

3. Shri Rathi asserts that on 8-8-2005 communication issued by the bank highlighted that 19 vacancies in Meerut, Muzaffar Nagar, Moradabad and Saharanpur regions of the bank were identified for promotion of eligible employees in Junior Management Scale-I through seniority cum absence of demerit basis. He was called for interview on 26-8-2005 along with other eligible employees. When result was declared he was shocked to notice that employees possessing lesser priority marks and having lesser length of service and qualification were promoted as officer. He was not approved for promotion as officer. He made representations dated 7-9-2005 and 27-9-2005, but to no avail. The bank has discriminated him, on account of his legitimate trade union activities. He claims that an award may be passed to the effect that he was entitled for promotion as an officer with effect from 26-8-2005, besides granting him consequential benefits.

4. Claim was demurred by the bank pleading that for want of espousal by the union the dispute is not an industrial dispute. It has been agitated that promotion or non-promotion is a management function and no one can claim promotion as a matter of right. Issuance of communication dated 8-8-2005 has not been disputed. The bank projects that charge-sheet dated 18-6-2006 was served on the claimant and on the date of interview an enquiry was pending against him. The enquiry resulted in award of punishment to the claimant and he was brought down to two lower stages in the scale of pay, vide order dated 10-1-2008.

5. The bank asserts that an employee under suspension or against whom a departmental enquiry for gross misconduct pends or who has been charge-sheeted for gross misconduct can sit in written test and interview but shall not be eligible for promotion till he is exonerated of the charges. If ultimately he is found not guilty of gross misconduct and has been approved for promotion the bank shall promote him from the date of the decision given by the disciplinary authority. In case of punishment being awarded for gross misconduct he shall not be promoted and will not be eligible for being considered for promotion and for officiating as an officer for two years from the date of punishment. Since the departmental enquiry was pending and ultimately Shri Rathi was punished for misconduct, he was neither eligible for being considered nor entitled to be promoted as Junior Management Scale-I officer. His claim is devoid of merits, hence may be discarded, presents the bank.

6. Vide order No. Z-22019/6/2007-IR (C-II) dated 2-3-2011 the appropriate Government transferred the case to this Tribunal for adjudication.

7. Claimant has examined himself in support of his case. Shri Sanjay Sur, Manager, was brought in the witness box by the bank. No other witness was examined by either of the parties.

8. Arguments were heard at the bar. Shri Satish Chhabra, authorized representative, advanced arguments on behalf of the claimant. Shri Rajat Arora, authorized representative, presented his point of view on behalf of the bank. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on issues involved in the controversy are as follows:—

9. The claimant concedes in his testimony that on 28-8-2005 a departmental enquiry was pending against him. He does not dispute that on conclusion of that enquiry he was punished for misconduct on 10-1-2008. He also admits that in case an employee lacks merit, the bank has a right not to promote him. Shri Sanjay Sur also projects in his testimony that the claimant was found unfit for promotion, since a departmental enquiry was pending against him at that time. He projects that no post was kept vacant for Shri Rathi in view of the circular Ex. WW-I/2.

10. From the facts deposed by Shri Rathi and Shri Sur, it emerges over the record that a charge-sheet was served on Shri Rathi on 18-6-2005 for gross misconduct. An enquiry was constituted. Enquiry proceedings culminated into a proposition that Shri Rathi had committed gross misconduct. After considering the facts presented by Shri Rathi, he was awarded a punishment of bringing him down to two lower stages in scale of pay, vide order dated 10-1-2008. During the pendency of the said enquiry, the bank identified 19 vacancies in Meerut, Muzaffar Nagar, Moradabad and Saharanpur Regions for promotion in Junior Management Scale-I through seniority cum absence of demerit and circular dated 8-8-2005 was issued in that regard. Shri Rathi was called for interview on 26-8-2005, but not approved for promotion on account of pendency of the enquiry referred above. Policy Ex WWI/2 was framed for promotion of clerks and special assistants as officers by way of tripartite settlement, during the course of conciliation proceedings. Clause 3(b) of the said policy is relevant for consideration in the present controversy. For sake of convenience the same is reproduced as follows:—

“3(b) An employee under suspension or against whom departmental enquiry for gross misconduct is pending or who has been charge sheeted for gross misconduct, may sit in the written test and interview but shall not be eligible for promotion till he is exonerated of the charge. If ultimately he is found to be not guilty of misconduct and has been approved for promotion, the bank shall promote the said employee from the date of the said decision has been given by the disciplinary authority. In case of punishment being awarded for gross misconduct he shall not be promoted and will not be eligible for being considered for promotion and officiating for two years from the date of punishment.”

11. As conceded by Shri Rathi on 26-8-2005, the date when he was called for interview, an enquiry for alleged commission of gross misconduct was pending against him. He was called for interview by the bank but not approved for promotion, in view of first part of clause 3(b) of policy Ex-WW1/2, which was applicable to his case with all force. It is also an admitted fact that the bank could establish charges against Shri Rathi and the Disciplinary Authority awarded punishment to him, vide his order dated 10-1-2008. Since the enquiry culminated in award of punishment to Shri Rathi, consequently it is evident that Shri Rathi was not eligible for promotion in August 2005. The said enquiry resulted in award of punishment to Shri Rathi in January 2008 and second limb of clause 3 (b) of the above settlement came into operation also. Therefore for next two years Shri Rathi was not eligible for being considered for

promotion in Junior Management Scale-I Officer of the bank. Consequently it is clear that the bank was justified in not approving Shri Rathi for promotion. There is no illegality in denial of promotion to Shri Rathi in August 2005.

12. In view of reasons detailed above, promotion was rightly not granted to Shri Rathi in August 2005. He has no claim in that regard. Award is, accordingly, passed in favour of the bank and against Shri Rathi. It be sent to the appropriate Government for publication.

Dr. R. K. YADAV, Presiding Officer

Dated : 12-3-2012

नई दिल्ली, 2 मई, 2012

का.आ. 1806.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरियेन्टल बैंक ऑफ कार्मस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 11/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-4-2012 को प्राप्त हुआ था।

[सं. एल-12012/79/2008-आईआर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 2nd May, 2012

S.O. 1806.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2009) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workman, which was received by the Central Government on 17-4-2012.

[No. L-12012/79/2008-IR (B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : SHRI VED PRAKASH GAUR, Presiding Officer

Dated the 29th day of February, 2012

Industrial Dispute No. 11/2009

Between :

Sri M. Behur,
H. No. 10-4-C/48,
Addagutta,
Secunderabad

... Petitioner

AND

The General Manager,
Oriental Bank of Commerce,
Regional Office, No. 103,
H. No. 8-2-248-A, Maharsh House,
Road No. 3, Banjara Hills,
Hyderabad-500 034

...Respondent

APPEARANCES :

For the Petitioner : Nil

For the Respondent : Nil

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/79/2008-IR(B-II) dated 16-2-2009 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Oriental Bank of Commerce and their workman. The reference is,

SCHEDULE

“Whether the action of management of M/s. Oriental Bank of Commerce, Hyderabad in regularizing the services of the some of the workman of erstwhile Global Trust Bank, Hyderabad and not regularizing the services of Shri M. Benhur, ex-runner is legal and justified ? What relief the workman is entitled?”

The reference is number is this Tribunal as I.D. No. 11/2009 and notices were issued to the parties.

2. Petitioner as well as Respondent called absent on the date of hearing. Petitioner is not responding to the notices even after more than two years after receipt of the reference, as such, the matter is closed. Hence, ‘Nil’ Award is passed in absence of claim statement and parties.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 29th day of February, 2012.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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Nil	Nil
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Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 2 मई, 2012

AWARD

का.आ. 1807.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या CGITA of 105 of 2004 New, Ref: ITC 74/1998 Old) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-5-2012 को प्राप्त हुआ था।

[सं. एल-41012/45/1998-आईआर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 2nd May, 2012

S.O. 1807.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. CGITA of 105 of 2004 New, Ref: ITC 74/1998 Old) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, received by the Central Government on 1-5-2012.

[No. L-41012/45/1998-IR (B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, AHMEDABAD**

Present :

Binay Kumar Sinha,
Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad, Dated 3rd April, 2012

Reference : CGITA of 105 of 2004 (New)

Reference : ITC. 74/1998 (Old)

1. The General Manager,
Western Railway, Churchgate,
Mumbai-400001
2. The Divisional Railway Manager,
Western Railway, Baroda (Gujarat)
3. Senior Electrical Foreman (Power),
Western Railway, Godhra-389001 .. First Party

And their Workman

Shri J. K. Ved,
Sinduri Mata Devasthan,
S. T. Nagar Road, Godhra
(Gujarat)-389001 .. Second Party

For the first party Shri H. B. Shah, Advocate

For the second party Shri Vikaram Mashar, Advocate

A dispute was raised by the second party regarding striking off the name of Shri J.K. Ved from muster roll w.e.f. 11-12-1993 without serving the transfer order dated 10-12-1993 on the employee concern, whereas the ALC (C) (Conciliation Officer) sent failure report to the Appropriate Government, and thereafter the Appropriate Government/Central Government, Ministry of Labour considering Industrial Dispute exist between the employer in relation to the management of Western Railway, Mumbai and their workman by its order No. L-41012/45/1998-IR (B-I) New Delhi dated 17-8-1998 in exercise of power conferred by clause (d) of sub-section 1 of sub-section 2A of Section 10 of the Industrial Dispute Act, 1947 referred the dispute for adjudication by the Industrial Tribunal, Ahmedabad on formulating the terms of reference under the schedule as follows:

SCHEME

“Whether the action of the Divisional Railway Manager, Baroda in striking off the name of Shri J.K. Ved from the muster roll w.e.f. 11-12-1993 without serving the transfer order No. E/EL/2620 dated 10-12-1993 on the employee concern and also denying him to join duties at Godhara is legal and justified? If not to what relief the concerned workman is entitled to?”

- (2) On registering of the case by the Industrial Tribunal, Ahmedabad the parties to the case were notice for appearance and also for filing respective statement of claim and written statement. Both the workmen second party and the employer first party appeared and filed their respective pleadings in this case.
- (3) The case of the second party workman as per Ext. 2 is that he was initially appointed as a Casual Fitter on 31-7-1980 under Electric Chargeeman, Godhra. Thereafter he was appointed as casual Khalasi at Godhara in Railway Electrification Project, Overhead Equipment Group No. 42 on 22-8-1981. Subsequently he was given temporary status on 1-1-1984 and was also given all benefits as that of a permanent employee. Subsequently he was given revised pay scale from 22-08-1981 and he performed continuous duties up to 10-12-1993. His screening was done by the first party and on passing at the screening he was absorbed as a permanent employee. He was working as a temporary Khalasi under Assistant Traction Foreman, Dahod in T.R.D. from where he was relieved on 19-7-1987 to

resume duties at Godhara under Assistant Traction Foreman and he resume duties at Godhara on 20-7-1987. Further case is that since he (second party) was absorbed as a permanent employee he gained protection provision of articles 311 (a) as well as 14, 16 of the constitution of India and also under provisions of Industrial Dispute Act. Further case is that he was promoted to the post of a Senior Khalasi and was absorbed in the grade of Rs. 870/1150 at Godhara. Subsequently he proceeded for long leave for carrying studies and also passed B.A. examination as an external candidate and also passed L.L.B. examination through evening college. Further case is that he was also working as Honorary Secretary of General Workmen's Union. And was also involved in various union activity taking cause of retired Railway Employees having its registration No. G/4347 dated 9-2-1988. Further case is that seeing union activity of the second party workman taking up cause of the retired railway employee the management of first party was biased and started carrying the malicious intention against him, the President of the union had informed the management of first party by registered post a/d. to notify the second party workman as a protected worker. Further case is that in view of such past activities of the second party workman, the management of first party took a decision and planned for removing the second party from Godhara by making order of transfer on 10-12-1993 regarding his transfer from Godhara to Viramgam and the said order was handed over to an officer at Baroda and directing to him to serve the same personally upon him (second party). Further case is that the said transfer order was not personally served upon him since the second party was on earned leave 9/10-12-1993 and his leave was sanctioned and was to resume duties on 11-12-1993 but the health of his wife was not good and so he filed an application for extending leave for 10 days more. Further case is that on 11-12-1993 he was not present and so the transfer order and relieving order of the management of first party was not served upon him and transfer pass was not issued to him. Further case is that the management of first party prepared transfer order and relieving order on 11-12-1993 the copy of aforesaid relieving memo has not yet been served on the second party by any means and the first party illegally have struck off his name from the muster roll from

11-12-1993 and the act of the first party in showing in the remarks column against the name of the second party that he absconded after struck off his name from muster roll. Further case is that on 13-12-1993 first party exhibited one Hindi version notice on the second party's Railway Quarter No. 328/A G.L. Yard informing to the second party to come to office and collect transfer order and transfer pass. Then the second party filed complaint registered as Complaint No. 2/93 in Labour Court, Godhra, under section 33A of the I.D. Act 1947 on 13-12-1993 making prayer for issuing interim injunction against opponent Railway Management. Further case is that an interim stay order was passed on complaint No. 2/93 against the opponent party (Management of Railway) on 13-12-1993 and the said order was served on the Railway Management on 14-12-1993 and the workman reported for duty on 14-12-1993 but Senior Electrical Foreman, power, Godhra, Western Railway, did not allow him (workman) to resume duty by giving in writing on his letter that his name is not there now in muster roll of Godhra and so he should proceed to Viramgam to appear before the Divisional Personnel Officer and to join duty at Viramgam as per his transfer order. Thereafter the second party workman on 21-1-1995 filed Criminal Complaint under sections 188, 352, 504, 506 (2) of the IPC against Shri Fakrumiya Usmanmiya Malek Senior Electrical Foreman power Godhra Railway Station and the copy of complaint was sent for investigation by Police and thereafter chargesheet was submitted and the case was pending in the Court of Railway Magistrate, Godhra, as case No. 1017/1995. Subsequently the said complaint case was withdrawn after conciliation was arrived between workman and the first Party No. 3 Fakrumiya Usmanmiya Malek on 8-10-1997. Further case is that the management of first party filed original application 175/1995 before the CAT against the ad interim injunction issued by the Labour Court, Godhra, in which order was passed that Labour Court Godhra should proceed the matter at an earliest. Thereafter on final hearing of the complaint case No. 2/93 Labour Court Godhra dismissing complaint under section 33 A of the I.D. Act on the ground that without pendency of any reference case the complaint under section 33A of Industrial Dispute Act cannot be entertained. Thereafter on rejection of the complaint No. 2/93, the second party filed

Special Civil Application No. 7734/1995 before the Hon'ble High Court of Gujarat which was dismissed on the ground that as per provision of section 28 of the Industrial Dispute Act, the High Court has no jurisdiction. Thereafter the Industrial Dispute was raised by the second party before the ALC (C) and on failure report the reference was sent for adjudication by the Appropriate Government. Further case is that the order of transfer of the second party from Godhara to Viramgam was passed with malicious intention and vengeance and the first party had not taken care whether the second party is junior or senior Khalasi and in the whole division singly passed order of his transfer. On these grounds prayer has been made that struck off the name of the second party workman J.K. Ved w.e.f. 11-12-1993 in the muster roll at Godhara be declared illegal, null and void, and for reinstating the workman from 11-12-1993 and all other wages and bonus money be also ordered to be paid by the first party to the second party and also making prayer for cost of this case.

- (4) The case of the management of first party as per its written statement at Ext. 6 pleading inter-alia is that present reference referred for adjudication is not maintainable, the dispute referred for adjudication is barred by delay, latches and acquiesces and that the delay defeat rights and remedies and so present reference is not maintainable under the law. The case of the management of first party is that on 11-12-1993 there was not termination of the service on the second party rather the second party was transferred in the interest of administration from Godhara and was posted at Viramgam, and so due to transfer of the workman his name was struck off from the muster roll at Godhara and so striking off the name of the workman is not a termination nor a retrenchment and so this reference is also not maintainable. On these scores and is fit to be dismissed. The management of first party have categorically denied all the allegation made parawise by the workman in his statement of claim and also stated that the second party workman is required strict proof of the allegations made in the paras No. 1 to 28 of the statement of claim (Ext. 2). It is the cases of the management of first party that the second party workman Shri J.K. Ved was working as Senior Khalasi under SEF Godhara, was transferred from Godhara to Viramgam on the same post and

emoluments vide office order No. DRM (E) dated 10-3-1993 and was relieved from SEF Godhara dated 11-12-1993, but the second party because of knowledge of transfer evaded the process of service of relieving memo. The relieving memo could not be served upon the second party and hence therefore the relieving memo was pasted at the authorised residence of second party on 13-12-1993. The second party has had knowledge of his transfer and every steps taken against him by the management of first party and so on receiving of the transfer order, the second party had obtained stay against transfer from Labour Court, Godhara and was served on DRM (E) Western Railway Baroda on 15-12-1993. It is the case of the first party that the transfer order against the second party was duly implemented and stay is after implementation of transfer order and so the transfer order having valid effect. Further case is that while implementing the transfer order against the second party workman all necessary formalities were observed and complete by the first party. Further case is that the impugned transfer order is rotational-regular transfer. It is not with malafide intention or transfer by victimisation. The hardship is not a ground to challenge the impugned transfer order passed by the authority competent to issue transfer order. The transfer is not violative of the statutory rules, the second party is having no vested right to remain at Godhara and so the second party cannot challenge the said transfer as a matter of right. The incident and syllabus submitted by the second party does not effect the right of the first party to transfer as per statutory rules, transfer is made and on transfer, name of the second party struck off from the muster roll, does not fall within the purview of the Industrial Dispute. More so, the impugned transfer is a discretion. Transfer at other place in the same grade, post is permissible under the law and is a right of the employer and the Industrial Tribunal has no jurisdiction to interfere in such transfer. The transfer of the second party workman was made purely on administrative grounds. And the said transfer order is fully implemented on 13-12-1993, the second party had already been served at Godhara for more than 5 years. The second party is junior most senior Khalasi. The transfer order was served upon the second party by affixing at his residential quarter and the second party was relieved from 11-12-1993. The second party is not protected workman, the

union is not a recognized union. The name of the second party was struck off from the muster roll of SEF, Godhara after implementing the transfer order. So, it is not correct to allege by the second party that the action to struck off name from muster roll is illegal. Further case is that struck off name of the second party from the muster roll is not due to termination but due to his transfer and so there is no termination by way of retrenchment of the second party. Hence the second party is not entitled for reinstatement at original post i.e. at Godhara in view of the terms of reference itself. Further case is that due to knowledge of the transfer the second party was evading the process of service and so by following the prescribed mode of service, the said transfer order is served upon the second party by affecting the same at his known residential address and thereafter action to struck off his name from muster roll is not violative in law or contrary to law. On these scores prayer has been made to dismiss the reference with cost.

- (5) In view of the pleadings of the parties the following issues are taken for discussion and determination in this case.

ISSUES

- (i) Whether the reference is maintainable?
- (ii) Has the workman (second party) got valid cause of action to raise dispute?
- (iii) Whether the workman is protected workman and whether he has right to be posted at Godhara by ignoring his transfer being a periodical/regular and whether the workman was not a railway services to face incident of transfer?
- (iv) Whether the management of first party has no right to affect any transfer of so called protected workman in the interest of administration.
- (v) Whether the action of the Divisional Railway Manager Baroda in striking off the name of the workman Shri J.K. Ved from muster roll w.e.f. 11-12-1993 by transfer order No. E/EL/2620 dated 10-12-1993 is justified and legal? Whether the second party workman has knowledge about his transfer order dated 10-12-1993? Whether the transfer order was duly served at the residential quarter of the second party workman on 13-12-1993 by mode of service of pasting of the order at this residence?
- (vi) Whether the interim injunction order passed by the Labour Court, Godhara in complaint No. 2/93 against Railway Administration has got any bearing

upon the transfer order of the workman considering also that the said complaint case was filed by the workman without having any reference case pending that finally resulted in its dismissal can go to create any right upon the second party workman Shri J. K. Ved for his reinstatement at Godhara?

- (vii) Whether the transfer order of the second party workman is legal and justified?
- (viii) Whether the second party workman is entitled to get any relief in this case?
- (ix) What orders are to be passed?

FINDINGS

(6) Issue No. III

The case of the second party workman as per statement of claim at Ext. 2 is that the working President of his union has sent the name of the second party workman in the office of the first party for treating the second party as protected workman. Whereas the first party in its written statement clearly denied such status as of the second party workman Shri J.K. Ved. On the ground that union of the second party workman is not recognized by the Railway Administration. The second party workman in his oral evidence at Ext. 13 has simply stated in examination-in-chief that he was working Secretary of General Workmen's union and so defending the railway employees through union but has not stated that his status was of a protected workman. Even he has not stated as per statement of claim that working President of the General Workman's union had sent his name being protected workman to the first party. There is also no such evidence of the second party workman that the Railway Administration has ever considered him as protected workman he was thoroughly cross-examined by the lawyer of the first party. During the cross-examination the second party workman had admitted that this reference was made for deletion of his name from muster roll at Godhara through he further stated showing ignorance that he does not know as to whether his name was deleted on account of his transfer from Godhara to Viramgam. Further he denied that his transfer was made from Godhara to Viramgam as per transfer order. He also admitted that he has not taken charge at Viramgam. Taking such ground that he has not been relieved though he denied that his transfer order and relieving order was not served upon him by affixing at the address of his house but he admitted that he obtained stay order from the Labour Court Godhara against his order of transfer by the first party. The management witness namely Rajendra Prasad an officer O.S. serving at DRM office, Western Railway, Baroda in his oral evidence at Ext. 18. Stated that the workman J.K. Ved was serving as Senior Khalasi in Electrical Foreman at Godhara which falls within Baroda Division of Western Railway and that at the time of transfer of the workman vide order dated

10-12-1993 Godhara and Viramgam Railway Stations both were falling within the Baroda division, presentably on formation of new Ahmedabad Division Viramgam now comes within the jurisdiction Ahmedabad division. Further evidence of management witness is that on administration ground the second party was transferred from Godhara to Viramgam on the same post, office and on the same pay scale and that the transfer order was issued by the competent authority and the transfer order was issue in the interest of administration and with immediate effect and that Shri J.K. Ved was relieved at Godhara on 11-12-1993 vide relieving memo No. EL/GLE/20(1) dated 11-12-1993 (mark-B). His further evidence is that but due to knowledge of transfer on 11-12-1993, the workman had left the employment place without permission and so the relieving memo could not be personally served on the workman during duty hours on 11-12-1993. Further evidence is that the Railway Administration had tried to serve personally the transfer memo upon Shri J.K. Ved, but was not available at his house that time and so his father was informed to send him to office to accept and receive the relieving memo and duty pass. Further evidence is that by mode of service the relieving memo was pasted at the place of residence of the second party on 13-12-1993 after following due procedure and that relieving memo was posted at the residence of the second party in presence of Chief Electrical Foreman, Senior Electrical Foreman, Electrical Foreman, Electrical Fitter grade one (P) on 13-12-1993 as per (Marked-C). Further evidence is that the second party workman failed to attend office to receive relieving memo and duty pass to carry out his transfer and that fully knowing about transfer order and relieving memo, the second party workman had approached Labour Court at Godhara for stay of his transfer. His further evidence is that the interim stay order of Labour Court was served in the office DRME (Western Railway Baroda) on 15-12-1993. Whereas the second party workman had already been relieved from Godhara for joining to Viramgam. At para 17 the management witness has given evidence regarding three modes as per Railway Establishment Manual, Chapter-V provides general conditions of service. (I) Railway employee can be transferred on promotion, (II) Railway employee can be transferred in the interest of Administration, (III) Railway employee can be transferred on request. Further evidence is that the transfer of the second party is routine transfer in the interest administration and not as a punishment. Further evidence is that the second party workman had worked at Godhara for the last 5 years and he had no vested right to serve at Godhara only forever and that the transfer is incident of service of Railway Employee. Further evidence is that the second party workman was junior most senior Khalasi at the time of his issuing transfer order. Further evidence is that the second party was transferred from

Godhara to Viramgam in the same office and on the same post and pay scale. Further evidence is that it is not true that due to union activities of the second party, management had with a view to punish/victimize second party had ordered to transfer. Further evidence is that the second party has not raised any dispute about transfer and instead of challenging transfer the second party has raised dispute about the striking off his name from muster roll. The management witness was thoroughly cross-examined by the lawyer of the second party. It has come during the cross-examination that relieving order and duty pass were given to Shri J.K. Ved (second party workman) but same were not personally served upon to him because he had left the duty place on 11-12-1993 without seeking permission and the same were served Shri J.K. Ved by affixing at his house. During cross-examination nothing could have been gained by the workman to show that he was a protected workman.

(7) From scrutinizing the evidence, I am of opinion that the second party workman Shri J.K. Ved though Honorary Secretary of General Workman's Union is not protected workman so second party workman is not entitled for privileges of a protected workman to be posted forever at Godhara by ignoring the incidents of transfer of a Railway Servant as per Railway Manual's and Rules governing the transfer of Railway servant in the interest of administration. This issue is therefore decided against the second party workman.

(8) ISSUE NO. IV & V

Since the second party workman has utterly failed to prove that his status is of being a protected workman. So, in that view of the matter, the management of first party has every right to affect the transfer of Shri J.K. Ved second party workman in the interest of administration as per Railway Establishment Manual, Chapter-V which provides regarding general conditions of service also dealing with the different kinds of transfer. More so, as per transfer order dated 10-12-1992 Annexure-A to the evidence of management witness it is crystal clear that the transfer of Shri J.K. Ved was issued in the interest of administration with immediate effect. The workman was in the scale of Rs. 800-1750 (RP) work under SEF/GDA. He was transferred in the same scale and pay and posted at Viramgam under SELC/VG against existing vacancy. Admittedly the workman was serving as class-IV staff at Godhara and he was posted at Godhara for considerable long period of more than 5 years and so the Railway Administration had every right for his transfer in the interest of administration. More so, the order of transfer is very much clear in the 3rd paragraphs of the transfer order, it has been mentioned "he (Shri J.K. Ved) be relieved immediately. He should avail 10 days joining time, TA, DA etc. after resuming at Viramgam under advice to this office" Annexure-B attached with transfer order, Annexure-A attached with

the oral evidence of the management witness at Ext. 18, is the relieving order dated 11-12-1993 incorporating about the transfer order E/EL/2620 dated 10-12-1993 of DRM (E) Baroda. through it was informed to the workman that "his application for leave from 11-12-1993 for 10 days is being rejected and he is being relieved from duty at Godhara and is also directed to approach to chargeman Viramgam as to reporting for duty and also attaching the transfer duty pass No. F340390 dated 11-12-1993 from Godhara to Viramgam for his journey". There is endorsement at foot of the Annexure-B incorporating in the note that he and Shri Santosh Kumar, Electrical Charge man on 11-12-1993 at about 15.00 hours went to the quarter of the workman Shri J.K. Ved to serve the transfer order and memo containing duty pass and the relieving order dated 11-12-1993 to Shri J.K. Ved but he was not found at his house to receive it. Further as per Annexure-C attached to the oral evidence of the management witness at Ext. 18 is the noting of the Senior Electrical Foreman, Western Railway, Godhara dated 13-12-1993 as per EL/GDA/20 address to the workman J.K. Ved Senior Khalasi (P) Godhara, Quarter No. 328/L/A type (1) GR, Godhara, on the subject of promotion, demotion and transfer of 4th grade Railway Employee with reference to DRM (E) Baroda. letter No. E/EL/2010 dated 10-12-1993. From going through this noting it appears that on 11-12-1993 at 8 AM the workman Shri J.K. Ved had arrived in the office of Senior Electrical Foreman, Godhara for duty and at 9.15 am he left the duty place unauthoriselly and without getting permission from the Foreman and for the search of Shri J.K. Ved, Shri Gomes B. and Shri B.M. Vyas were sent but he (workman) was not in office or anywhere at duty place and that subsequently an application was sent by Shri J.K. Ved through her daughter for 10 days leave but the workman had not himself submitted the leave application nor appeared for getting permission for leave and so the leave application sent through his daughter was rejected also in that view that his transfer has already been affected by DRM order dated 10-12-1993 with relieving memo and transfer duty pass directing report to the Senior Electrical Foreman, Viramgam and that the workman since had also been relieved from forenoon of 11-12-1993 vide GDA/20 dated 11-12-1993. The said Note also contains the factum of affecting service of the transfer memo and relieving order on 13-12-1993 by pasting at the workman's residential quarter on 13-12-1993 at 8.50 hours in presence of N.H. Chanchalani, Shri F.U. Malek, Shri Subhash Kumar and Shri Sikandar U. containing their signatures dated 13-12-1993 also attached with copy of the muster roll showing stricking off name of the second party workman w.e.f. 11-3-1993 due to his transfer from Godhara to Viramgam. As against the over welling evidence of the first party regarding the transfer of the workman in the interest of administration and about the mode of service of transfer order and

relieving memo with transfer duty pass etc. there is only evidence of the workman in denial that as yet the transfer order dated 10-12-1993 and relieving memo dated 11-12-1993 and the duty pass had not been served upon him. Whereas such action on part of the second party workman that he filed complaint case 2/93 u/s 33A of ID. Act, before Labour Court, Godhara without having any reference case pending u/s 10 of Industrial Dispute in connection with his transfer order and making attempt by filing the said complaint case No. 2/93 on 13-12-1993 and application for interim injunction and also getting interim injunction order for stay of transfer speaks a volume that it was quite within knowledge of the second party workman that he has been transferred in the interest of administration from Godhara to Viramgam vide transfer order dated 10-12-1993 and to avoid receiving the copy of transfer order and relieving memo with transfer duty pass. On 11-12-1993 the workman knowingly and purposely left the duty place unauthoriselly and without seeking permission and thereafter sent application for 10 days leave through his daughter without seeking for personal interview in the office of the Electrical Foreman also speaks a volume that the workman from the very beginning was in fighting mood with the Railway Administration and for that purpose wrongly approached the Labour Court, Godhara, and filed complaint case No. 2/93 under section 33 A of the I.D. Act without any pendency of reference case and obtained an interim order of injunction regarding stay of his transfer. All such efforts on part of the second party workman and the papers also filed on behalf of the second party workman in stead of proving his such plea that their had been no personal service of transfer order and relieving memo with copy of transfer duty pass itself go to prove that it was well within knowledge of the second party workman that he has been transferred and also relieved w.e.f. 11-12-1993 and even then illegally approached Labour Court, Godhara on 13-12-1993 by filing complaint case 2/93 u/s 33 of ID Act which ought not have to be entertain in the Labour Court, Godhara, in view of the admitted position that their had been no any reference case pending against the order of transfer at that time.

(9) Upon consideration of the evidence and the materials discussed above and also taking in view all the facts and circumstances, I am of the opinion that the management of first party has every right to affect transfer of Shri J.K. Ved who was not a protected workman in the interest of administration. I further find and hold that since transfer is incident of service of Railway Employee so the action of the Senior Electrical Foreman (first party No. 3) in stricking off the name of the workman from muster roll at Godhara w.e.f. 11-12-1993 is just and proper. So the issue No. IV is decided accordingly in favour of the frst party that the first party had every right to affect transfer of the second party workman in the interest of administration. Likewise issue

No. V is also decided in favour of the first party that the action of the first party in striking off the name of workman in muster roll at Godhara w.e.f. 11-12-1993 is just and proper in view of incident of transfer of the second party workman from Godhara to Viramgam and such striking off the name of the second party workman was not tantamount to termination or retrenchment of the second party workman.

(10) ISSUE Nos. VI & VII

Such evidence of the workman as per his oral deposition at Ext. 13 that after obtaining injunction order of the stay of his transfer, he went to the office of Electrical Foreman, Godhara for joining duty on 14-12-1993 has no leg to stand because interim injunction order of the Labour Court, Godhara, passed on 13-12-1993 in connection with the complaint Case 2/93 had itself got no any bearing upon the transfer order of the workman since the filing of complaint No. 2/93 in the Labour Court, Godhara was not at all maintainable because of having no any reference case pending. So, admittedly taking such view finally the complaint case No. 2/93 was dismissed as not maintainable, the result of dismissal of the complaint case No. 2/93 certainly with the effect that even having an interim order of injunction passed by the Labour Court, Godhara, on 13-12-1993 against the Railway Administration in that complaint case that order was not binding upon the Railway Administration, because the workman had not challenged his transfer order by raising an Industrial Dispute before the conciliation officer in the year 1993, on issue of the transfer order dated 10-12-1993. So, there had been no any reference case challenging the transfer order and so there had been no any case as to change of service condition of the workman. Infact there was no any Industrial Dispute pending on the date of issuing of the transfer order dated 10-12-1993 or on issue relieving order of the workman with struck off his name from muster roll on 11-12-1993. The entire action of the workman right from filing unwarranted complaint case No. 2/93 u/s 33 A of I.D. Act and thereafter approaching to the Hon'ble High Court for redressal that also went in vain by dismissal of the writ application so file by the applicants, itself go to speak a volume that by hook and by crook the second party workman was adamant to resist illegally as to his incident of transfer which was to be observed by the Railway Servant as per Railway Establishment Manual Chapter-V providing condition of service including also dealing with the different kind of transfer including transfer of Railway Employee in the interest of administration. From very perusal of the transfer order dated 10-12-1993 issued from the Divisional

office (E) it appears that 10 days joining time had been given to the second party workman after he being relieved immediately, the workman was relieved on 11-12-1993, thereafter the workman appeared before the Senior Foreman, Godhara on 14-12-1993 on the basis of alleged interim stay of his transfer order, and asking to allow him to join at Godhara and on that day the workman was also made to know that he has been relieved on 11-12-1993 and his name from the muster roll has been struck off since he has to join at the transfer place Viramgam and the service of the transfer order with relieving memo etc. have been affected on 13-12-1993 but even than on 14-12-1993 the second party workman could not show any repentance rather remained imbolden with the interim stay order granted by the Labour Court, Godhara, but infact the Labour Court, Godhara was not having any jurisdiction to entertain the complain case No. 2/93 u/s 33 A of ID Act since no reference case was pending, that resulted in final dismissal of the complaint case. So, in that view of the matter any interim injunction order so passed in non maintainable complaint case No. 2/93 shall having no bearing affect against the transfer order dated 10-12-1993 followed by the relieving memo from duty and striking off his name from muster roll at Godhara Issue No. VI is, therefore, also decided against the workman. In view of the findings given above, I further find and hold that the transfer order of the workman Shri J.K. Ved is legal and just so the terms of reference as per schedule is answered in favour of the first party that the action of the Divisional Railway Manager, Baroda, in striking off the name of Shri J.K. Ved from the muster roll w.e.f. 11-12-1993 is legal, just and proper. Since the order of transfer with memo etc. had been effectively served upon the workman and the workman had every knowledge of his transfer order that he has been relieved from duty by striking off his name from muster roll on 11-12-1993.

(11) ISSUE Nos. I, II & VIII

In view of the findings given to issue Nos. III, IV, V, VI & VII in the forgoing paragraphs, I further find and hold that the reference is not maintainable and the second party workman has no valid cause of action to raise dispute at such belated stage and so the workman is not entitled to get the relief for his reinstatement by his posting at Godhara since after striking off his name from muster roll at Godhara on 11-12-1993.

(12) ISSUE NO. X

This reference is dismissed on contest with cost of Rs. 500.

This is my award.

BINAY KUMAR SINHA, Presiding Officer

नई दिल्ली, 2 मई, 2012

का.आ. 1808.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर-पूर्व रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 7/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-2012 को प्राप्त हुआ था।

[सं. एल-41011/24/2006-आईआर-(बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 2nd May, 2012

S.O. 1808.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947) the Central Government hereby publishes the Award (Ref. No. 7/2007) of the Central Government Industrial Tribunal-Cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of North Eastern Railway and their workmen, which was received by the Central Government on 2-5-2012.

[No. L-41011/24/2006-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

Dr. MANJU NIGAM, Presiding Officer

I.D. No. 07/2007

Ref. No. L-41011/24/2006-IR (B-I) dated: 10-4-2007

BETWEEN

The General Secretary,
North Eastern Railway Shramik Sangh
96/196, Old Ganeshganj, Lucknow
(Espousing cause of Shri Abdul Hamid)

AND

1. The Sr. Section Engineer (Railpath)
North Eastern Railway
Sitapur (U.P.)
2. The Assistant Engineer
North Eastern Railway
Sitapur (U.P.)

AWARD

1. By order No. L-41011/24/2006-IR (B-I) dated: 10-4-2007 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the

Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the General Secretary, North Eastern Railway Shramik Sangh, 96/196, Old Ganeshganj, Lucknow and the Sr. Section Engineer (Railpath), North Eastern Railway, Sitapur (U.P.) and the Assistant Engineer, North Eastern Railway, Sitapur (U.P.) for adjudication.

2. The reference under adjudication is:

“Kya Prabandhan Purvottar Railway Sitapur Dwara Shri Abdul Hamid Putra Shri Jalaluddin Senior Track Man Ko Purv Main Niyojan Ki Tithi Se Lagataar Hammerman Ka Kary Liye Jane Ke Upramit Dinank 11/02/93 Se Hammerman Ka Pad Laabh May Vetaan Sahit Na Diya Jaana Va Kanisht Karmkaaren Se Upar Variyatanaas Varishthata Ka Nirdharan Kar Samast Laabh Na Pradaan Kiya Jana Nyayochit Evam Vaidh Hai? Yadi Nahi To Kaungraar Kis Rahat ko Pane Ka Adhikari Hai?”

3. The case of the workman's union, in brief, is that the workman, Abdul Hamid was engaged on 10-2-1974 as temporary Hammer man/black smith and he worked as such till 15-3-1977. The details of the same were mentioned in his Casual Labour Card; but he has been denied of the benefits available to the post. It has further been submitted that the workman was given temporary status from 16-9-1981 and was made regular with given posting on 16-4-87. The workman's union has alleged that the railway management took work of Hammerman; but he was deprived of post and salary associated to the post and instead he was given post and pay of Gangman, which is violative of the labour laws. Accordingly, the workman's union has prayed that the workman be promoted from Gangman to Artisan Khalasi/Helper w.e.f. 11-2-1993 and be given consequential benefits.

4. The management of the railways has disputed the claim of the workman by filing its written statement wherein it has submitted that the workman was granted temporary status after completion of 120 days as casual labour w.e.f. 16-9-1981 as per his eligibility and norms. It further submitted that the workman worked from 16-9-1981 to 15-4-1987 in the time scale, thereafter he was regularly appointed on the post of Gangman w.e.f. 16-4-87 and in fact he never worked as a Hammerman, at any point of time. At present the workman is working on the post of Senior Trackman and as such cannot be promoted/selected to the post of Artisan-Helper. Accordingly, the management of the railways has prayed that he claim of the workman's union be rejected without any claim to the workman concerned.

5. The workman's union has filed rejoinder whereby it has only reiterated its averments in the statement of claim and has not introduced any new fact.

6. The workman's union has filed photocopies of certain documents vide list of documents dated 15-6-2009

and subsequent vide list dated 1-11-2010, in support of his case whereas the management filed none.

7. After completion of pleadings on behalf of the parties, the parties were called upon to file documentary evidence in support of their respective case and accordingly, the workman's union filed documents vide list dated 8-4-2011 and the management of the railways filed none. Thereafter, 5-1-2011 was fixed for evidence of the workman's union but it did not file any. The workman's union was given opportunities, time and again to file its evidence on affidavit on several dates but it failed to comply with the directions; and accordingly, the management was afforded opportunity to file its evidence on 15-5-2012 and it too did not make any effort to file its evidence in support of its case.

8. It is noteworthy to mention that in the instant case the authorized representative of the workman's union made his last appearance on 30-5-2011 and since then he is not turning up to contest its case. The authorized representative of the opposite party also is not taking pain in contesting the case for last several dates. When none turned up from the workman's union in spite of the notice, the case was reserved for award as it pertained to the year 2007.

9. The case of the workman's union was that the railway management took work of Hammerman from the workman; but he was deprived of post and salary associated to the post and instead he was given post and pay of Gangman and that the workman be promoted from Gangman to Artisan Khalasi/Helper w.e.f. 11-2-1993 and be given consequential benefits.

10. Per contra, the management of the railways has contested that the workman was granted temporary status after completion of 120 days as casual labour w.e.f. 16-9-1981 and further that the workman worked from 16-9-1981 to 15-4-1987 in the time scale, thereafter he was regularly appointed on the post of Gangman w.e.f. 16-4-87 and in fact he never worked as a Hammerman, at any point of time. Hence, he is entitled to the post or the benefits associated to it.

11. In view of rival contentions of the parties, I have scanned entire material placed on the file.

12. It is well settled that if a party challenges the legality of action, the burden lies upon him to prove illegality of the action and if no evidence is produced by the party, invoking jurisdiction of the court, must fail. In the present case burden was on the workman's union to set out the grounds to challenge the validity of the action of the management in denying the workman the post of Hammerman and salary associated to the post; and to prove that the action of the management in denying the benefits of the said post was illegal. It was the case of the

workman's union that workman worked as Hammerman but was denied pay and privileges attached to the post. This claim has been denied by the management; therefore, it was for the workman's union to lead evidence to show that he actually worked as Hammer man and he was entitled to get benefits available to the post. The workman's union though filed documentary evidence vide list dated 8-4-2011; which included photocopy of various documents, the few of them are illegible; moreover it did not turn up to prove the photocopy of the documents filed, in evidence before this Tribunal.

13. In 2008 (118) FLR 116; M/s. Uptron Powertronics Employees' Union, Ghaziabad through its Secretary vs. Presiding Officer, Labour Court (II), Ghaziabad & others, Hon'ble High Court relied upon the law settled by the Apex Court in 1979 (39) FLR 70 (SC) Sanker Chakravarti vs. Britannia Biscuit Co. Ltd., 1979 (39) FLR 70 (SC) V.K. Raj Industries v. Labour Court and others, 1984 (49) FLR 38 Airtech Private Limited v. State of U.P. and others and 1996 (74) FLR 2004 (ALLD.) Meritech India Ltd. v. State of U.P. and others; wherein it was observed by the Apex Court:

“that in absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the Court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led.”

14. In the present case the workman's union has not turned to substantiate his case by way of filing any oral evidence. Mere pleadings are no substitute for proof. It was obligatory on the part of workman's union to come forward with the case that the workman worked as Hammerman and he was deprived of the benefits available to the post; but the workman's union failed to forward any evidence in support of its claim, as it did not turn up for filing its evidence before this Tribunal. There is no reliable material for recording findings that the alleged injustice was done to the workman or the action of the management of North Eastern Railway in denying the workman the benefits of the post of Hammerman is illegal and unjustified.

15. Accordingly, the reference is adjudicated against the workman's union; and as such, I come to the conclusion that the workman, Abdul Hamid is not entitled to any of the relief claimed.

16. Award as above.

Lucknow Dr. MANJU NIGAM, Presiding Officer
19-4-2012

नई दिल्ली, 2 मई, 2012

का.आ. 1809.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कस्टम एयरपोर्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेत्रई के पंचाट (संदर्भ संख्या 397/2004, 398/2004, 402/2004 और 415/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-2012 को प्राप्त हुआ था।

[सं. एल-42012/192/2003-आईआर (सीएम-II),
सं. एल-42012/193/2003-आईआर (सीएम-II),
सं. एल-42012/194/2003-आईआर (सीएम-II),
सं. एल-42012/195/2003-आईआर (सीएम-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 2nd May, 2012

S.O. 1809.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. Nos. 397/2004, 398/2004, 402/2004 and 415/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Custom (Airport), Custom (Airport), and their workmen, received by the Central Government on 2-5-2012.

[No. L-42012/192/2003-IR(CM-II),
No. L-42012/193/2003-IR(CM-II),
No. L-42012/194/2003-IR(CM-II),
No. L-42012/195/2003-IR(CM-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 24th April, 2012.

Present: A.N. JANARDANAN, Presiding Officer

I.D. Nos. 397, 398, 402 and 406 of 2004

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Commissioner of Customs (Airport) and their workmen]

S. No.	ID No.	Reference No. and Date	Name of the 1st Party	Name of the 2nd Party
1.	397/2004	L-42012/192/2003-IR (CM-II) dated 2-8-2004	Sri R. Panneer Selvam	1. The Commissioner of Customs (Airport), Custom (Airport), Custom House, 33, Rajaji Salai, Chennai-600001 2. The Deputy Commissioner of Customs (Airport), Custom (Airport), Chennai Airport Meenambakkam, Chennai-600027
2.	398/2004	L-42012/193/2003-IR (CM-II) dated 2-8-2004	Sri S. Jagannathan	1. The Commissioner of Customs (Airport), Custom (Airport), Custom House, 33, Rajaji Salai, Chennai-600001 2. The Deputy Commissioner of Customs (Airport), Custom (Airport), Chennai Airport Meenambakkam, Chennai-600027
3.	402/2004	L-42012/194/2003-IR (CM-II) dated 2-8-2004	Sri P. Rajagopal	1. The Commissioner of Customs (Airport), Custom (Airport), Custom House, 33, Rajaji Salai, Chennai-600001 2. The Deputy Commissioner of Customs (Airport), Custom (Airport), Chennai Airport Meenambakkam, Chennai-600027
4.	415/2004	L-42012/195/2003-IR (CM-II) dated 14-2-2005	Sri S. P. Arunraj	1. The Commissioner of Customs (Airport), Custom (Airport), Custom House, 33, Rajaji Salai, Chennai-600001 2. The Deputy Commissioner of Customs (Airport), Custom (Airport), Chennai Airport Meenambakkam, Chennai-600027

Appearance:

For the 1st Party/Petitioner

M/s. K. V. Krishnaswami, Advocate

For the 2nd Party/Management

Sri C. Durai, Advocate

COMMON AWARD

The Central Government, Ministry of Labour and Employment vide the above order of references referred the IDs mentioned above to this Tribunal for adjudication:

2. The schedule mentioned in the order of reference in the above IDs are as under :

ID 397/2004

“Whether the action of the Commissioner of Customs (Airport) in terminating the services of Sri R. Paneerselvam with effect from 5-2-1999 is legal and justified? If not, to what relief he is entitled?”

ID 398/2004

“Whether the action of the Commissioner of Customs (Airport) in terminating the services of Sri S. Jagannathan with effect from 5-2-1999 is legal and justified? If not, to what relief he is entitled?”

ID 402/2004

“Whether the action of the Commissioner of Customs (Airport) in terminating the services of Sri P. Rajagopal with effect from 5-2-1999 is legal and justified? If not, to what relief he is entitled?”

ID 415/2004

“Whether the action of the Commissioner of Customs (Airport) in terminating the services of Sri S. P. Arunraj with effect from 5-2-1999 is legal and justified? If not, to what relief the workman is entitled?”

3. After the receipt of Industrial Disputes, this Tribunal has numbered it as I.D. 397, 398, 402 and 415 of 2004 and issued notices to both sides. Both sides entered appearance through their Advocates and filed their Claim and Counter Statements as the case may be.

4. In all these cases, the claims of the petitioners are common. On behalf of the petitioners, a memo was filed to the effect that since the issues are the same, common set of documents is adopted. Memo is recorded. The petitioner has also adduced evidence in common for all the IDs.

5. The averments in the separate Claim Statements but common or the same in all briefly read as follows:

The petitioners viz. S/Sri R. Paneerselvam, S. Jagannathan, P. Rajagopal and S.P. Arunraj joined the service of the Respondent. R. Paneerselvam joined the service of the Respondent in the year 1990 and worked till 5-2-1999. S. Jagannathan joined the service of the Respondent on 24-3-1982 and worked till 5-2-1999. P. Rajagopal joined the service of the Respondent in March 1982 and worked till 5-2-1999 and S. P. Arunraj joined the service of the Respondent in the year 1985 and worked till 5-2-1999, all of them as labourers under R1 and R2. Their services were continuous without any blemish and they were paid a consolidated amount of Rs. 2,500 each per month. In a CBI raid on 5-2-1999 whereby foreign currency and goods worth more than Rs. 50.00 lakhs were seized by CBI officials the responsible custom officials pointed out the petitioners and 6 others, all of whom had been working with them as labourers to CBI officials viz. (i) Raghu Kumar, DSP, (ii) Suresh Kumar, Inspector, (iii) Salam, Inspector and (iv) Kuruvilla, Inspector who took them to custody and detained at CBI office, Shastri Bhawan, Chennai. After oral

enquiry CBI officials sent them back saying that departmental enquiry has been recommended. But no enquiry was held by the Customs Department. On the contrary they were denied employment from the next day. They were advised to wait for some time for employment as they were expecting instructions from higher authorities, but in vain, despite their further efforts. (i) R. Govindarajan, Superintendent, (ii) Anburaj, Officer now promoted as Superintendent, (iii) Kirupa Ramanan, Superintendent now promoted as Asstt. Commissioner at Kolkata, Nagi, Officer now promoted as Superintendent, Venkatesa Kurup, Officer now promoted as Superintendent at Airport, Romy, Senior Officer now Superintendent, Gunalan, Superintendent (now retired), Anbalagan, then Asstt. Commissioner now promoted as Joint Commissioner at Hyderabad and Hemavathi, then Asstt. Commissioner and now promoted as Joint Commissioner at Chennai were the persons involved in the said CBI raid on 5-2-1999 and they were only responsible for the seized goods and foreign currencies. Custom Department did not conduct enquiry fearing action against the Officers. Hence they simply kept quiet making petitioners as scapegoats and jobless. Petitioners are innocent and have not been involved in any offence. They as labourers had only to obey the orders and instructions of their higher authorities. The goods and foreign currencies were seized from the lockets of the rest room of the Officers of the Customs Department. They were simply and silently sent out of employment to save the customs officials. The ID raised having ended in a failure report the reference is occasioned. The action in terminating their services is illegal, unlawful and opposed to the principles of natural justice and the same is to be set aside and the petitioners be reinstated with all benefits.

6. The averments in the separate Counter Statements, but the same and common, in contents are as follows:

Customs Department does not fall within the categories of industries under Section (j) of the I.D. Act, 1947. Hence the I.D. is not maintainable. The department is a wing under the Central Government to do a ministerial function which is quasi-judicial. The nature of its work is enforcement oriented and not profit oriented. Its functioning is mainly revenue oriented and enforcement for the implementation of the laws of the land. The petitioners are not workmen under Section-2(s) of the I.D. Act, 1947. There is no manufacturing process or any manufacture under the department. There is no employee-employer relationship between the parties. The petitioners are not employed with the Respondents and hence they are not entitled to any relief. Petitioners were certain errands on their own like supplying tea, coffee, snacks as Officers were working at the Airport round the clock. Petitioners would have been paid some wages by them from their pockets for the service. Contention that they were getting monthly salary of Rs. 2,500 per month is false far from being mischievous. They were not in the pay rolls of the Customs Department at any point of time with any remuneration paid by it. There was a raid by the CBI seizing foreign currency and foreign liquor totally valued at Rs. 2.77 lakhs only and not otherwise any way. After investigation action was taken against 6 Customs Officers which culminated in orders holding that charges were not proved which was opined as reasonable by Chief Vigilance Commissioner. No action was initiated against the petitioners. They were not at all employed by the Customs Department. The very fact of no action against them itself establishes their non-employment. Petitioners never signed any Attendance Register nor was any salary paid to them by the Respondents. The action is evidently a blackmailing one from the part of the petitioners. The claim is to be dismissed with exemplary costs.

7. Points for consideration are:

- (i) Whether the termination of the services of the petitioners by the Commissioner of Customs (Airport) w.e.f. 5-2-1999 is legal and justified?
- (ii) To what relief the concerned workmen are entitled?

8. Petitioner filed a memo praying to permit common evidence to be adduced and common trial held in respect of all the IDs 397,398,402 and 415 of 2004 which was not opposed and was allowed and accordingly common evidence was recorded in I.D. 397/2004.

9. Evidence consists of the testimony of WW1 and Ex.W1 to Ex.W44 in common for all the IDs with no evidence adduced on the side of the Respondent.

Points (i) and (ii)

10. Heard both sides. Perused the records, documents and the evidence and written arguments on either side. Contentions on behalf of the petitioner are that the co-petitioners had been working continuously as Casual Labour from 1982 onwards until 5-2-1999 with a consolidated salary of Rs. 2,500 per month, that they were not being allowed to join duty on 6-2-1999 in the wake of a CBI raid on 5-2-1999 seizing foreign currency and other goods. The petitioners are not involved in any manner in relation to the seized articles and are innocent who are always at the beck and call of their higher superiors. They were simply made scapegoats. The seizure of the goods is not disputed but is admitted yet only its quantum is disputed by the Respondent. There is trading activity involved in the functioning of the Customs Department. It is an industry and I.D. Act is applicable and the I.D. is maintainable. The admitted case of the Respondent in the Counter that the petitioners were doing certain errands indicates that they were acting on the command of his Officers which again shows Master-Servant relationship interse. For doing the errands they are issued Identity Cards/Pass which is not issued to any stranger. In Ex. W42-letter dated 15/22-7-2002 of the Commissioner of Customs to Sri Jagannathan, a petitioner it is stated, though in a subdued manner, that petitioner has been engaged prior to February, 1999 for facilitating whose entry into the Airport his name was sponsored to BCAS for issuing entry pass, which was issued after Police Verification. No evidence has been adduced by the Respondent by way of document or oral evidence examining any Officers to rebut the case of the petitioner and substantiate their contentions. Ex.W43 finds mention in it that the petitioners whom the Management describes as unauthorized persons were discontinued after CBI raid, after which one Sri Lakshminipathy has been engaged issuing Ex.W43-Entry Pass. The Entry Passes issued to the petitioners are as casual labour. Against the case of petitioner that they used to sign Attendance Register and receive wages signing on revenue stamps, evidently such documents are or can be only in the custody of the Respondent. The Respondent/Management cannot be heard to say that the petitioners were paid from the pockets of Officers. What is broadly probable in view of the circumstances is that the petitioners are employees of the Respondent. Somehow to cover the misdeeds of Officers and save them, with malafide and in victimization, the petitioners are being made mere scapegoats. There is no denial of the case of the petitioners that they were taken by the CBI in custody. When there is a case of petitioners being discontinued from the service by the management it is a virtual admission that they were employed. The discontinuance amounts to termination. The case of no appointment or termination of the petitioners by the management carries no meaning. When the service and some relationship is proved the question of non-

appointment is not criteria to hold that the petitioners are not workmen. The action in terminating them is motivated in victimization, unlawful and against all canons of natural justice and they are to be reinstated after setting aside the termination with all benefits.

11. Contra contentions on behalf of the Respondent are that mere entry passes will not confirm employee status to the petitioners. Customs Department itself does not engage in trading or dispose seized goods for profit or whatever. It only carries out statutory functions of Government of India. It is not an industry. The ID is not maintainable. The services of the petitioners were unauthorized and their entry into the airport by way of passes issued by SCAS was only to cater to the needs of certain employees of the Department. There is no continuity in the issuance of entry pass as could be seen from the entry pass issued in the name of Sri R. Paneerselvam on 8-10-1992. They are not regular even to the so-called errand. Regular employees are issued passes permanently without police verification. The Customs Department has no role in the issuance passes to the petitioners. There are no records to show that the names of the petitioners have been sponsored through SCAS for issuance of passes. Lakshmi pathy was working with Contractor and pass was issued to him to work as Helper in 2002. Petitioners not being employees of the department had to obtain police verification to obtain entry pass. Their entry pass was not issued by the Customs Department. The claim of the petitioners is only to be dismissed. Therefore the Department of Customs having units severable as industries could still be industries under which the employees could still be workman. Therefore, the contention that the petitioners are not workmen or that the Respondent/Management is not at all an industry are only to be rejected. So much so, the contention that the ID Act is not applicable or that the dispute is not maintainable is also only to be disallowed.

12. On behalf of the petitioners reliance was placed on the decision of Hon'ble High Court of Madras dated 4-2-2011 in Writ Appeal No. 1881/2010 (A. Kajendran) Vs. Presiding Officer, CGIT-cum-Labour Court, Shastri Bhawan, Chennai (ii) General Manager, Heavy Vehicles Factory, Avadi wherein it is held that "14. By applying the "dominant nature test" as evolved by the Supreme Court in Bangalore Water Supply case, even departments discharging sovereign functions, if they are units, which are industries and they are substantially severable, they can be considered to come within the Section-2(j) of the Act. Admittedly, the appellant was only a Civil Motor Driver in the second respondent organization, therefore, even if the second respondent factory exclusively produces equipments for the Defence Department, the nature of employment of the appellant is clearly severable and the appellant shall be entitled to invoke the jurisdiction under the Industrial Disputes Act questioning his removal from

service". There needs no more doubt to be entertained regarding the aspect that a department of Government of India whether it discharges sovereign functions or commercial functions it may still be treated as an industry according to the nature of the duty performed by it under its separate units which are severable as such. So even under a department of the government exercising sovereign functions, units which are industries and are substantially severable they can be considered to come within the 2(j) of the ID Act.

13. The next question is whether the petitioners in the batch of IDs have been terminated from the service of the Respondent/Management? While the case of the Respondent is that the petitioners were not employed under the Respondent, it is still admitted that they were certain errands for supplying tea, coffee, snacks, etc. to the Officers of the Customs in the Airport who were working round the clock. Without advancing a definite or clear cut stand regarding the remuneration paid to them what is pleaded by the Respondent is that they would have been paid some wages by the said Officers from their own pockets which is adopting a presumptive stand. It makes it clear that the Management is not able to categorize any clear suggestion regarding the remuneration paid to the petitioners. That there was a CBI raid on 5-2-1999 is the common case of both the petitioners as well as the Respondent. What is marginally discrepant between the two versions is only regarding the quantum. The seizure of some contraband items thus remains fully established. Though action was taken against six Customs Officers it is the case of the Management that the charges were not proved. Opinion regarding that finding by Chief Vigilance Commission (CVC) as being reasonable may even apt to be a self-serving stand of the CVC in the absence of anything to be proved to the contra. The case of the petitioners that they were taken into custody by the CBI officials though, discharged on the same evening indicates that they were also suspects at least in the commission of the offence. True, they have not been proceeded against. Why it is so it is for the Management to prove. That they were not proceeded against by way of action as averred by the Respondent cannot be a material to conclude that they were not at all employed under the Management. If they were guilty it is for the CBI to proceed against them. If they are not guilty it is also for the CBI to exonerate them under the general law of the land in detecting and investigating crimes. In their case the CBI was recommending the petitioners for being proceeded against by way of disciplinary action but which the department was forbearing from doing for their own reason not disclosed. In other words it is not shown that the department was leaving them scot free despite they being guilty. There is nothing to show that they were being given a sympathetic treatment by the Management and were being discharged from the liability or from being proceeded against due to mercy. When there is the un-

traversed case that they were taken into custody by the CBI officials the Management cannot be heard to say that no action was taken against them and that the said fact shows that they were not employed under it. It is well to presume that they may have escaped from being prosecuted or arraigned in disciplinary action because of they being innocent in the criminal act. Though they were not in the payrolls of the Customs Department or never paid any remuneration by it, that they never signed the Attendance Register as averred by the Respondent and the action on the part of the petitioners are characterized as blackmailing the Respondent against the case of the petitioners to the contra. Petitioners have a case of their employment for definite periods from definite points of time by way of tenure which ran continuous and regarding payment by way of consolidated sum of Rs. 2,500. The case of the Respondent is that no payment has been made by it at all. But the same is left to be conjecture and surmise. In as much as the fact that the petitioners stood employed in some way by some Officers of the Management, if not by the Management itself, though without an appointment order the fact remains that there was service purchased from the petitioners and there is some relationship between the petitioners and the Officers of the Respondent, if not with the Management itself. There is admittedly a case of the petitioners service having been discontinued after the date of the admitted CBI raid on 5-2-1999. The said discontinuance of the services of the petitioners is not in accordance with law. The discontinuance is evidently occasioned as a consequence of the CBI raid on 5-2-1999 which tends to show that petitioners have been put to bear some unwholesome liability out of the CBI raid though they are not even proceeded against but have been exonerated by the Management. An element of motivated victimization is discernible in the action of the Management against them. The same is unlawful and against all canons of natural justice. One of the petitioner has deposed in terms of his case as well as for his counterpart petitioners. Though they do not elevate the case of the petitioner to the realm of proof with adequate materials, yet they furnish some materials to prove that their case is substantially true regarding their employment, its continuity, nature of work, though not regarding the quantum of remuneration. When the case of the petitioners is that it is continuous lasting for years, the antiquity of commencement of service of one or two of them relating back to say 1982 or so going upto 5-02-1999, thus lasting for several years, regarding the very aspect there is not even a murmur in the pleadings of the Respondents. The engagement of the petitioners by the officials of the Management, if not by the Management itself, goes virtually admitted. The cessation of their engagement is also not out of the volition of the petitioners themselves. The engagement came to end by discontinuance at the instance of the Management as is admitted. Regarding the nature of the engagement of the petitioners to prove that it is not as claimed by the petitioner,

the burden is especially on the Respondent. But the Management has not come to the box to discharge that burden. In other words when a matter is especially within the special knowledge of a particular person the burden to prove that fact is upon him. While the case of the petitioners is that they were working under the Respondent as direct employees and that being controverted by the Management stating that it is not so actually but it is in a different manner that fact is to be especially proved by the Management. It is to be noted that law cannot be oblivious to what is obvious to others. But in order to remove the oblivious elements of the aspects the person or persons to whom it is not so oblivious but is obvious has/have to come forward and discharge that function which is not done here. Then only it is possible for the Court to remove the oblivious and come to know the actual situation centering round it 'without compliance thereof it cannot be said law cannot be oblivious to what is obvious to others until the concerned persons appear and remove the obscurity. From the admissions in the pleadings of the Respondent it could well be found that the petitioners had been employed under the Respondent, somehow, for definite years of periods and have eventually been terminated in violation of Section-25F of the ID Act even without an enquiry which is illegal and void. From the some materials by way of evidence and the admissions of the Respondent the case of the petitioners could be said substantially proved though petitioner have not been able to individually prove it in all aspects by themselves. The said termination amounts to retrenchment. The same is liable to be set aside and the petitioners are entitled to some reliefs by way of reinstatement with or without benefits or by way of compensation.

14. Resultantly, the termination of the petitioners not being legal and justified the same is set aside. The other question is whether they have to be reinstated into service or should be made to rest content with award of some compensation. It is to be noted that in all cases of illegal termination reinstatement is not to follow automatically. In the case of casual labourers it may well be answered with an order to pay compensation. In the result it is ordered that the Respondent shall pay the petitioners in ID 397/2004, 398/2004, 402/2004 and 415/2004 compensation amounting as follows.

ID 397/2004 —	Rs. 1,25,000
ID 398/2004 —	Rs. 1,75,000
ID 402/2004 —	Rs. 1,75,000 and
ID 415/2004 —	Rs. 1,50,000/-

with the interest @ 12% per annum from the date of award until the amounts are duly paid but without costs.

15. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 24th April, 2012)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : WW1. Sri S. P. Arunraj

For the 2nd Party/1st Management: None

Documents Marked:

On the Petitioner's side

Ex. No.	Date	Description
EX. W1 (Series) (4 in number)		Entry passes issued to the petitioners by Dy. Commissioner of Police, Security and Anti-Hijacking
Ex. W2		— Entry pass issued to Paneerselvam
Ex. W3		— Entry pass issued to Paneerselvam
Ex. W4		— Entry pass issued to Paneerselvam
Ex. W5		— Entry pass issued to Paneerselvam
Ex. W6		— Police Verification Letter issued by the Superintendent of Police
Ex. W7		— Entry pass issued to Jagannathan
Ex. W8		— Entry pass issued to Jagannathan
Ex. W9		— Entry pass issued to Jagannathan
Ex. W10		— Entry pass issued to Jagannathan
Ex. W11		— Entry pass issued to Jagannathan
Ex. W12		— Entry pass issued to Jagannathan
Ex. W13		— Entry pass issued to Jagannathan
Ex. W14		— Entry pass issued to Jagannathan
Ex. W15		— Entry pass issued to Jagannathan
Ex. W16		— Entry pass issued to Jagannathan
Ex. W17		— Entry pass issued to Jagannathan
Ex. W18		— Entry pass issued to Jagannathan
Ex. W19		— Entry pass issued to Jagannathan
Ex. W20		— Character Certificate issued by the Inspector of Police, Pazhavanthalangal to Jagannathan
Ex. W21		— Police Verification Letter issued by the Superintendent of Police, Chennai-16
Ex. W22		— Entry pass pertaining to P. Rajagopal
Ex. W24		— Entry pass pertaining to P. Rajagopal

Ex. W25 — Entry pass pertaining to P. Rajagopal

Ex. W26 — Entry pass pertaining to P. Rajagopal

Ex. W27 — Entry pass pertaining to P. Rajagopal

Ex. W28 — Entry pass pertaining to P. Rajagopal

Ex. W29 — Character Certificates issued by the Inspector of Police

Ex. W30 — Character Certificates issued by the Inspector of Police

Ex. W31 — Character Certificates issued by the Inspector of Police

Ex. W32 — Character Certificates issued by the Inspector of Police

Ex. W33 — Character Certificates issued by the Inspector of Police

Ex. W34 — Police Verification Letter issued by the Superintendent of Police in respect of Rajagopal

Ex. W35 — Authorization letter issued to S.P. Arunraj

Ex. W36 — Entry pass issued to S.P. Arunraj

Ex. W37 — Entry pass issued to S.P. Arunraj

Ex. W38 — Police Verification Letter issued by the Superintendent of Police in respect of Arunraj

Ex. W39 — Letter written jointly by the petitioners to the Commissioner of Customs regarding reinstatement

Ex. W40 — Letter from the Additional Commissioner to the petitioners regarding refusal of employment

Ex. W41 — Letter from Jagannathan to the Commissioner of Customs regarding employment

Ex. W42 — Letter from the Commissioner of Customs to the petitioners

Ex. W43 — Entry pass issued to one Lakshmipathy

Ex. W44 — Original temporary passes of all the petitioners.

On the Management's side

Ex. No.	Date	Description
	N/A	

नई दिल्ली, 2 मई, 2012

का.आ. 1810.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डबल्यू. सी.

एल.के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 272/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-2012 को प्राप्त हुआ था।

[सं. एल-22012/460/1998-आईआर (सी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 2nd May, 2012

S.O. 1810.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 272/99) of the Central Government Industrial Tribunal-Cum-Labour Court Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 2-5-2012.

[No. L-22012/460/1998-IR (C-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/272/99

Presiding Officer : SHRI MOHD. SHAKIR HASAN

The Secretary,

Indian National Mines Overman Sirdar &
Shat Fires Association,
INMOSSA Bhavan,
PO Pathakhera,
Distt. Betul (MP)

.... Workman

Versus

Chief General Manager,
Western Coalfields Limited,
PO. Pathakhera,
Distt. Betul (MP)

... Management

AWARD

Passed on this 19th day of April, 2012

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/460/98/IR(CM-II) dated 30-7-99 has referred the following dispute for adjudication by this tribunal:—

“Whether the action of the management of Chief General Manager, Western Coalfield Ltd. In demoting Shri B.L.Sanodia from Grade “B” to Grade “C” is justified? If not, to what relief is the workman entitled?”

2. The case of the Union/workman in short is that Shri Bhurelal Sanodia was appointed as Mining Sardar on 26-7-79 and was promoted as Safety-Cum-Production Assistant (in short SPA) w.e.f. 1-10-91. It is stated that on 17-7-95 at about 10 AM, he came in the office of Safety Officer Shri D.K. Chandrakar and threw his helmet on the table which was broken in pieces and threw the pieces on the officer causing injury to him and abused and threatened him. On complaint of the Safety Officer, a departmental enquiry was conducted. Shri ID.Zakyani was appointed as Enquiry Officer and S.K.Bismillah was appointed as Management Representative. The delinquent workman participated in the enquiry proceeding and was assisted by the co-worker Shri R.Prasad. After enquiry, the enquiry report was submitted by the Enquiry Officer holding him guilty of the charges. It is stated that criminal case was also lodged but the same was ended in acquittal. The Disciplinary authority after considering the enquiry report passed the order of punishment on 18-5-96 whereby he was reverted from Grade B to Mining Sardar Grade C. The workman preferred appeal but the same was dismissed on 26-11-2001. The workman filed several representation after acquittal in criminal case but of no effect. It is submitted that the punishment order dated 18/20-5-96 be set aside and the workman be restored in his position with all his difference of wages.

3: The management appeared in the reference case and filed Written Statement. The case of the management, inter alia, is that the workman was initially appointed as Mining Sardar on 26-7-79 and was promoted as SPA on 1-10-91. It is stated that on 17-7-95 he came in the office of Safety Officer shouted on him and abused him. Thereafter he threw broken pieces of helmet on Shri Chandrakar causing him injury on left wrist. A departmental proceeding admittedly initiated against him. He had been given full opportunity to defend himself who was assisted by Defence Representative. The Enquiry Officer after enquiry submitted the enquiry report dated 18-8-95 holding him guilty of the charges. The Disciplinary Authority after considering the enquiry report, representation of the workman, evidence on record took a lenient view and passed the order of punishment on 18-5-96 whereby he was demoted from the post of Safety-Cum-Production Assistant Grade B to Mining Sardar Grade C. It is submitted that the action of the management is just and legal and the award be passed in favour of the management.

4. On the basis of the pleadings the following issues are framed—

- I. Whether the Departmental Enquiry conducted by the management against the workman is legal and proper?
- II. Whether the action of the management in demoting Shri B.L.Sanodia Grade B to Grade C is justified?

III. To what other relief the workman is entitled?

5. Issue No. I

This issue is taken up as a preliminary issue. After hearing the parties and after perusing the evidence on record, it is held that the departmental enquiry conducted by the management against the workman is legal and proper vide order dated 8-2-2010. This order is not reversed by any competent court as yet. Thus this issue is, already, earlier decided.

6. Issue No. II

The learned counsel for the workman has raised question that the finding of the Enquiry Officer is perverse and therefore the punishment was passed without any application of mind. There is no fresh evidence adduced in the case. The parties have relied the evidence adduced by the management and delinquent workman before the Enquiry Officer. On perusal of the evidence adduced in the enquiry proceeding which is marked as Exhibit M/8 and the copy of the Enquiry report which is marked as Exhibit M/9 it is clear that on the alleged date and time the workman went in the office of the Safety Officer for complaining of his old helmet which was broken by the workman either by pressing on the table or by throwing it on the table which appears to be an act to unbecoming a govt. servant. It is also admitted that the Safety Officer sustained injury at that very time. The only question is that the Safety Officer sustained injury in the manner as has been alleged by the

complainant or not. The evidence of the witnesses shows that the complainant sustained injury by throwing pieces of helmet on the body of the complainant. There is minor contradiction in the evidence of the witnesses which is obvious by way different manner of expression of the witnesses and by lapse of the time. This shows that the witnesses were not tutored and the finding of the Enquiry Officer is not perversed.

7. The order of punishment dated 18/20-5-96 which is marked as Exhibit M/12 shows that the management had taken a lenient view and instead of dismissal, he was simply demoted from Grade B to Grade C for giving him a chance to improve his conduct. I do not find any reason to interfere in the order passed by the management which appears to be just and proper. This issue is accordingly decided against the workman and in favour of the management.

8. Issue No. III

On the basis of discussion made above, I find that the workman is not entitled to any relief. Accordingly the reference is answered.

9. In the result the award is passed without any order to costs.

10. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer